

City of Marquette, MI



Meeting Agenda City Commission

Monday, July 31, 2023

6:00 PM

Commission Chambers

300 West Baraga Ave
Marquette, Michigan 49855

Call to Order, Pledge of Allegiance and Roll Call

Approval of the Agenda

Announcements

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

Presentation(s)

1. Former Cliffs-Dow Property Transaction Environmental Considerations by Richard Baron, Foley, Baron, Metzger & Juip, PLLC, Special Counsel to City; Tom Anthos and Ryan Whaley, TriMedia Environmental & Engineering
2. **Consent Agenda**
 - 2.a. Approve the minutes of the July 10, 2023 regular Commission meeting
 - 2.b. Approve the total bills payable in the amount of \$3,651,454.76
 - 2.c. Letter of Support - Rolling Meadows
 - 2.d. Presque Isle Marina - Construction Services Change Order
 - 2.e. Superior Trade Zone Appointments
 - 2.f. Wright Street Sidewalk Easement

New Business

3. Site Condominium Development Request - "The Bluffs" on Forestville Basin Trail

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

Comments from the Commission

Comments from the City Manager

Adjournment

Kyle Whitney, City Clerk

If you require assistance to participate in any meeting, program or activity offered by the City of Marquette, please provide advanced notice to City of Marquette ADA Coordinator Eric Stemen at 906-225-8978 or via email at estemen@marquettemi.gov.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 7/31/2023

Consent Agenda

Approve the minutes of the July 10, 2023 regular Commission meeting

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ July 10 minutes



City of Marquette, MI

300 West Baraga Ave
Marquette, Michigan 49855

Meeting Minutes City Commission

Monday, July 10, 2023

6:00 PM

Commission Chambers

Call to Order, Pledge of Allegiance and Roll Call

Present: Davis, Hanley, Larson, Mayer, Ottaway, Smith, Stonehouse

Approval of the Agenda

Mayor Pro Tem Sally Davis moved to Approve the agenda as written, seconded by Commissioner Jerney Ottaway and Carried Unanimously.

Announcements

Mayor Mayer had no announcements.

Boards and Committees

1. Appointment(s)

John Stewart, Parks and Recreation Advisory Board, for an unexpired term ending 01-29-24

Commissioner Jessica Hanley moved to Approve the appointment as listed, seconded by Commissioner Fred Stonehouse and Carried Unanimously.

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

Margaret Brumm spoke about the off-leash dog training sessions being offered at NMU by the Upper Peninsula Animal Welfare Shelter. She also spoke about her concerns with recent changes to the walking hours at Presque Isle.

Presentation(s)

2. Police-Fire Pension Board, by Chair Mike Archocosky

Mike Archocosky offered an update on the City's Police-Fire Pension Board, which is composed of police and fire representatives, as well as the City Treasurer and two at-large appointees. He talked about the successes of the system, which is in a comfortable position at present. He said the board has struggled to maintain public membership, with the sole public member recently leaving the board due to term limits.

Commissioner Ottaway said the pension offered to City officers and firefighters is a key recruiting tool at a time when it's becoming more and more difficult to recruit.

Public Hearing(s)

3. Public Hearing - Preliminary Planned Unit Development Plan for 480 River Park Circle

Mayor Mayer opened the public hearing.

Margaret Brumm said she has reviewed all of the materials related to this request and can't say whether this should be approved or not. She said it has several beneficial aspects, but that the plan is difficult to understand and it isn't clear to her what the future of the site will definitively look like.

Developer David Ollila introduced himself to the Commission and presented a brief overview of the plan. He said the goal is to establish Shophouse Park as the local nucleus of an innovative, creative and growing outdoor technology and mobility sectors.

With no one else looking to comment, the Mayor closed the public hearing.

Commissioner Fred Stonehouse moved to approve the Planned Unit Development at 480 River Park Circle. The motion was seconded by Mayor Pro Tem Sally Davis and discussion ensued.

Commissioner Stonehouse said this project has been discussed for a long time, and that it has passed muster with staff and the City Planning Commission, in addition to receiving state-level support. He said this is a chance to focus on new technologies locally and to perhaps provide employment opportunities in new and emerging fields.

Mayor Pro Tem Davis said she is grateful that the Planning Commission has a strong and experienced membership that ask the important questions, and a staff that does such thorough work. She said this is innovative and visionary, and that any remaining questions can be worked through.

Commissioner Hanley said the City talks a lot about needing tax base, and this will certainly increase tax base, while building up a part of the city not currently built up. She said she is excited. Commissioner Larson also voiced his support for the project.

The Commission then voted on the motion to approve the PUD, which carried unanimously.

4. Consent Agenda

Commissioner Jessica Hanley moved to Approve the Consent Agenda as presented, seconded by Commissioner Jerney Ottaway and Carried Unanimously.

- 4.a.** Approve the minutes of the June 26, 2023 regular Commission meeting
- 4.b.** Approve the total bills payable in the amount of \$1,039,895.97
- 4.c.** Corrective Public Utility Easement Agreement - Windstone Condominium
- 4.d.** MERS Annual Meeting - Officer Delegate Appointment
- 4.e.** Outback Art Fair - Special Event Permit
- 4.f.** SpinwayMQT Lease Agreement Addendum
- 4.g.** Upper Echelon 2023 - Special Event Permit

Public Comments - Comments may not exceed three minutes per person. Please state your name and physical address when making public comments.

David Ollila thanked the City Commission and praised the work put in by the Community Development Department. He said he is looking forward to the future of the Shophouse Park project.

Margaret Brumm spoke about the change to walking hours on the island. She said she missed the announcement for the meeting at which the Presque Isle Park Advisory Committee discussed the hours, and she spoke about the importance of the island.

Comments from the Commission

Commissioner Hanley said she was out of town but has heard great things about the fireworks and the parade and she thanked everyone who helped to organize the events.

Commissioner Larson said there was a ribbon cutting for the piers, and thanked staff for the work on the project.

Commissioner Ottaway praised the community efforts of the police department over the 4th of July.

Mayor Pro Tem Davis said it was nice to see the City Band at the pier ribbon cutting ceremony. She also highlighted recent street improvements in the City.

Commissioner Smith had no comments.

Commissioner Stonehouse said the change in walking hours on the island has caused quite the stir, and he said that is indicative of how much the community loves the island. He said the piers are a long, long time in the making and he's happy to see staff finding a way to finally accomplish the project.

Mayor Mayer asked for some staff clarification regarding the island hours.

Comments from the City Manager

City Manager Karen Kovacs said there are staffing challenges related to having people available to always open and close the driving loop at Presque Isle. She said the change that was made extended the walking hours from 6-8 p.m. on Mondays and Wednesdays to 6 p.m. to close on those same days.

She also thanked the City staff that ensured all of the 4th of July festivities went off smoothly.

Adjournment

Mayor Mayer adjourned the meeting at 6:44 p.m.

Cody O. Mayer, Mayor

Kyle Whitney, City Clerk

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City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 7/31/2023

Consent Agenda **Letter of Support - Rolling Meadows**

BACKGROUND:

InvestUP has announced the launch of Build U.P. to address the Upper Peninsula's immediate need for housing and to provide the region with a long-term, sustainable fund to solve future housing challenges. Awards from the fund, which will total up to \$15 million, are available now. The priority of Build U.P. is to expedite the construction of shovel-ready housing projects in the Upper Peninsula.

Ironshore Development, the developer of the Rolling Meadows Apartments, is applying for Build U.P. funds to assist with Phase 1 of their housing project. This project will consist of 56 two-bedroom apartment units and an investment of over \$15.6 million into the City of Marquette. The developer has a stated goal of providing housing in the 80-120% AMI range for Marquette County, as defined by the financial parameters issued by the State of Michigan. Acquiring assistance through Build U.P. will contribute toward this goal by keeping expenses minimal and allowing for lower rents.

This request is in line with the Housing Affordability strategic goal from the City Strategic Plan.

FISCAL EFFECT:

None.

RECOMMENDATION:

Approve the letter of support for the Rolling Meadows application to the Build U.P. program and authorize the Mayor to sign.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Letter of Support



July 31, 2023

Mr. Marty Fittante, CEO
Build U.P.
101 West Washington Street, Suite 13
Marquette, MI 49855

Dear Marty,

On behalf of the City Commission, please accept this letter of support for the Rolling Meadows Apartment housing project proposed by Ironshore Development in Marquette. We believe this development will be an important contribution to addressing our community's pressing housing needs and fostering positive growth in our City.

Ironshore Development's Phase 1 plan for 56 two-bedroom apartment units comes at a critical time when demand for housing exceeds supply. This project has obtained Planning Commission approval and is shovel ready.

Additionally, Ironshore Development's goal to provide housing within the 80-120% AMI range aligns with the City's Strategic and Master Plan goals to address housing affordability challenges. As defined by the financial parameters issued by the State, this targeted income range caters to moderate-income individuals and families who are essential contributors to the fabric of our community.

The rising construction costs have presented challenges, but this project is crucial to overcoming the current housing shortage in Marquette County. It will contribute significantly to our efforts in accommodating a growing population and ensuring that our residents have access to affordable housing and therefore has received the support of the Marquette City Commission.

Sincerely,

Cody O. Mayer
Mayor
City of Marquette

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 7/31/2023

Consent Agenda

Presque Isle Marina - Construction Services Change Order

BACKGROUND:

At its November 29, 2021 meeting, the City Commission approved a Waterways grant agreement for removal of the remaining pier, repaving the parking lot, dock anchorage and utility infrastructure at Presque Isle Marina. The project budget is \$524,200, fifty percent of which is covered by the Waterways grant.

At its June 22, 2022 meeting, the City Commission awarded Coleman Engineering Company the professional contract for the project.

At its September 26, 2022 meeting, the City Commission awarded MJO Contracting the construction services contract for pier removal and floating pier anchorage system installation.

At its June 12, 2023 meeting, the City Commission awarded Associated Constructors, LLC the construction contract for the parking lot replacement in the amount of \$124,112.50. During removal, it was determined that the subsurface base was sand and would require 6" of gravel material be added. The cost for this change is \$9,833.

FISCAL EFFECT:

Matching funds for this project, including this change, are in the FY 2023 budget.

RECOMMENDATION:

Approve the change order to the construction contract with Associated Constructors, LLC in the amount of \$9,833, and authorize the City Manager or her designee to sign it.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Change Order 1

Change Order No. 1

Date of Issuance: _____ Effective Date: _____
Owner: The City of Marquette Owner's Contract No.: _____
Contractor: _____ Contractor's Project No.: _____
Engineer: Coleman Engineering Company Engineer's Project No.: 220533
Project: Presque Isle Marina Rehabilitation Project – Phase II, Contract II – Parking Lot Rehabilitation
Contract Name: Presque Isle Marina Rehabilitation Project – Phase II, Contract II – Parking Lot Rehabilitation

The Contract is modified as follows upon execution of this Change Order:

Description: cut out Bad sand 6" and replace with 6" of Gravel

Attachments: [List documents supporting change]

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES [note changes in Milestones if applicable]
Original Contract Price: \$ <u>124,112.50</u>	Original Contract Times: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
[Increase] [Decrease] from previously approved Change Orders No. ___ to No. ___: \$ _____	[Increase] [Decrease] from previously approved Change Orders No. ___ to No. ___: Substantial Completion: _____ Ready for Final Payment: _____ days
Contract Price prior to this Change Order: \$ <u>124,112.50</u>	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
<u>(Increase)</u> [Decrease] of this Change Order: \$ <u>9,833.00</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
Contract Price incorporating this Change Order: \$ <u>133,945.50</u>	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for Final Payment: _____ days or dates

RECOMMENDED:		ACCEPTED:		ACCEPTED:	
By: _____	By: _____	By: <u>[Signature]</u>	By: _____	By: <u>[Signature]</u>	By: _____
Engineer (if required)		Owner (Authorized Signature)		Contractor (Authorized Signature)	
Title: _____	Title: _____	Title: _____	Title: <u>owner</u>	Title: _____	Title: _____
Date: _____	Date: _____	Date: _____	Date: <u>7/12/23</u>	Date: _____	Date: _____

Approved by Funding Agency (if applicable)
By: _____ Date: _____
Title: _____

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 7/31/2023

Consent Agenda **Superior Trade Zone Appointments**

BACKGROUND:

On March 25, 2015, the Michigan Strategic Fund Board approved creation of the Superior Trade Zone/Next Michigan Development Zone (STZ) in the Upper Peninsula. The STZ is a coalition of counties, cities, and townships in Delta and Marquette Counties with a mission to foster regional economic development and provide member jurisdictions with access to a wide variety of Michigan Economic Development Corporation incentives and programs.

Under the STZ Bylaws, each member municipality must appoint one primary and one secondary delegate. The primary appointed delegate is no longer employed by the City of Marquette and the secondary delegate is Sean Hobbins, the Assistant City Manager. The City needs to update these two appointments to remain current in its representation on the coalition.

It is recommended to appoint Sean Hobbins, Assistant City Manager, as primary delegate and Karen Kovacs, City Manager, as secondary delegate.

FISCAL EFFECT:

None.

RECOMMENDATION:

Appoint Sean Hobbins, Assistant City Manager, as primary delegate and Karen Kovacs, City Manager, as secondary delegate to the Board of the Superior Trade Zone.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

No Attachments Available

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 7/31/2023

Consent Agenda
Wright Street Sidewalk Easement

BACKGROUND:

As part of a previously approved sidewalk extension project along Wright Street which closes a sidewalk gap between Wilkinson Avenue and Van Evera Avenue, an easement will be required due to existing City right-of-way constraints. The owners of the impacted property at 610 Wright Street have agreed to the easement and compensation, which is based on a City appraisal. In the interest of time, the owners previously granted a license to the City to allow for work to begin, which included compensation in the amount included in the easement.

FISCAL EFFECT:

None at this time.

RECOMMENDATION:

Approve the Public Sidewalk Easement Agreement, and authorize the Mayor and Clerk to execute it.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Public Sidewalk Easement

SIDEWALK EASEMENT

THIS INDENTURE, made _____, 2023, between, Ronald Midle and Jeffery Midle, owners of 610 Wright Street in Marquette, Michigan, party of the first part, and the **CITY OF MARQUETTE**, a Michigan municipal corporation, of 300 West Baraga Avenue, Marquette, Michigan 49855, party of the second part,

WITNESSETH, That the said party of the first part, for ONE THOUSAND SIX HUNDRED NINE AND 00/100 DOLLARS (\$1,609.00) does hereby grant unto said party of the second part, a perpetual easement for the right to install and maintain a sidewalk fronting Wright Street described as being within the City of Marquette, County of Marquette, and State of Michigan as follows, to wit:

An easement over Part of Lots One (1), Two (2), and Three (3), of the Assessors Plat of Fluette's Addition, City of Marquette, Marquette County, Michigan, more particularly described as:

Beginning at the Southeast corner of Lot 1 of said assessors plat; thence N00°32'50"E (recorded as N00°07'W) along the westerly Right of Way (R.O.W.) of Wilkinson Avenue a distance of 5.03 feet; thence S89°03'54"W 143.72 feet to the lot line common to said Lots 3 and 4; thence S00°32'50"W (recorded as S00°07'E) along said lot line 1.02 feet to the northerly R.O.W. of Wright Street; thence S89°20'12"E (recorded as East) along said northerly R.O.W. a distance of 143.67 feet to the Point of Beginning.

Said easement contains 435 square feet as shown on the Description Sketch attached hereto.

The Party of the First Part covenants and agrees that this easement, for the purposes stated above, shall be binding on all of its successors and assigns.

The Party of the Second Part covenants and agrees that Party of the First Part shall have no obligation to install or maintain any part of the easement.

IN WITNESS WHEREOF, the said parties have caused this document to be executed the day and year first written above.

Dated this _____ day of _____, 2023.

Ronald Midle

Ronald Midle

STATE OF Michigan

COUNTY OF Marquette

Acknowledged before me in the County of Marquette, State of Michigan
on June 13, 2023, by Ronald Midle.

Ann M. Cook

Ann M. Cook, Notary Public

State of Michigan, County of

My Commission Expires: 11-22-24

Acting in the County of Marquette

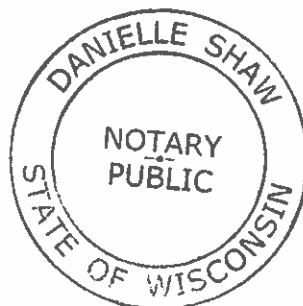
ANN M. COOK
Notary public, Marquette County, Michigan
My commission expires November 22, 2024.

Jeffery Midle 7/11/2023
Jeffery Midle

STATE OF WI

COUNTY OF Milwaukee

Acknowledged before me in the County of Milwaukee, State of WI
11, on July, 2023, by Jeffery Midle.



Danielle Shaw

Danielle Shaw, Notary Public

State of WI, County of Milwaukee

My Commission Expires: 5/17/2024

Acting in the County of Milwaukee

CITY OF MARQUETTE

By: Cody O. Mayer

Its: Mayor

By: Kyle L. Whitney
Its: Clerk

STATE OF MICHIGAN)
)
COUNTY OF MARQUETTE)

Acknowledged before me in Marquette County, Michigan, on _____, 2023, by
Cody O. Mayer, Mayor, and Kyle L. Whitney, Clerk, of the City of Marquette, a Michigan municipal
corporation.

_____, Notary Public
State of Michigan, County of Marquette
My Commission Expires: _____
Acting in the County of Marquette

APPROVED AS TO CONTENT:

Karen M. Kovacs, City Manager

Prepared by: Suzanne C. Larsen (P57017)
City Attorney
300 W. Baraga Avenue
Marquette, MI 49855

**LEGAL DESCRIPTION
FOR SIDEWALK EASEMENT
FOR LOTS 1, 2, AND 3**

Part of Lots One (1), Two (2), and Three (3), of the Assessors Plat of Fluettes Addition, City of Marquette, Marquette County, Michigan, more particularly described as:

Beginning at the Southeast corner of Lot 1 of said assessors plat; thence N00°32'50"E (recorded as N00°07'W) along the westerly Right of Way (R.O.W.) of Wilkinson Avenue a distance of 5.03 feet; thence S89°03'54"W 143.72 feet to the lot line common to said Lots 3 and 4; thence S00°32'50"W (recorded as S00°07'E) along said lot line 1.02 feet to the northerly R.O.W. of Wright Street; thence S89°20'12"E (recorded as East) along said northerly R.O.W. a distance of 143.67 feet to the Point of Beginning.

The above described parcels contain 435 square feet, more or less, and is subject to all mineral rights, mineral reservations, mineral exceptions, easements and building and use restrictions of record, and all other conditions, reservations, exceptions and restrictions as may be contained in any conveyance constituting the recorded chain of title to said premises, and further subject to all applicable zoning laws, ordinances and visible easements, if any.

Prepared by: S. Holmquist
Date: January 26, 2023
Prepared for: City of Marquette
City of Marquette Engineering Department Job No: MQ23-018
PIN: 560030

J:\Projects\MQ23-018 - Sidewalk Repair and Replace\Field Construction Related\All Survey\Legal Descriptions\Lots 123\MQ23-018 Wright Street - Sidewalk Easement (Lots 123) - Legal Description (230125).doc

**LEGAL DESCRIPTION
FOR TEMPORARY GRADING EASEMENT
FOR LOTS 1, 2, AND 3**

Part of Lots One (1), Two (2), and Three (3), of the Assessors Plat of Fluette's Addition, City of Marquette, Marquette County, Michigan, more particularly described as:

Commencing at the Southeast corner of Lot 1 of said assessors plat; thence N00°32'50"E (recorded as N00°07'W) along the westerly Right of Way (R.O.W.) of Wilkinson Avenue a distance of 5.03 feet to the Point of Beginning;

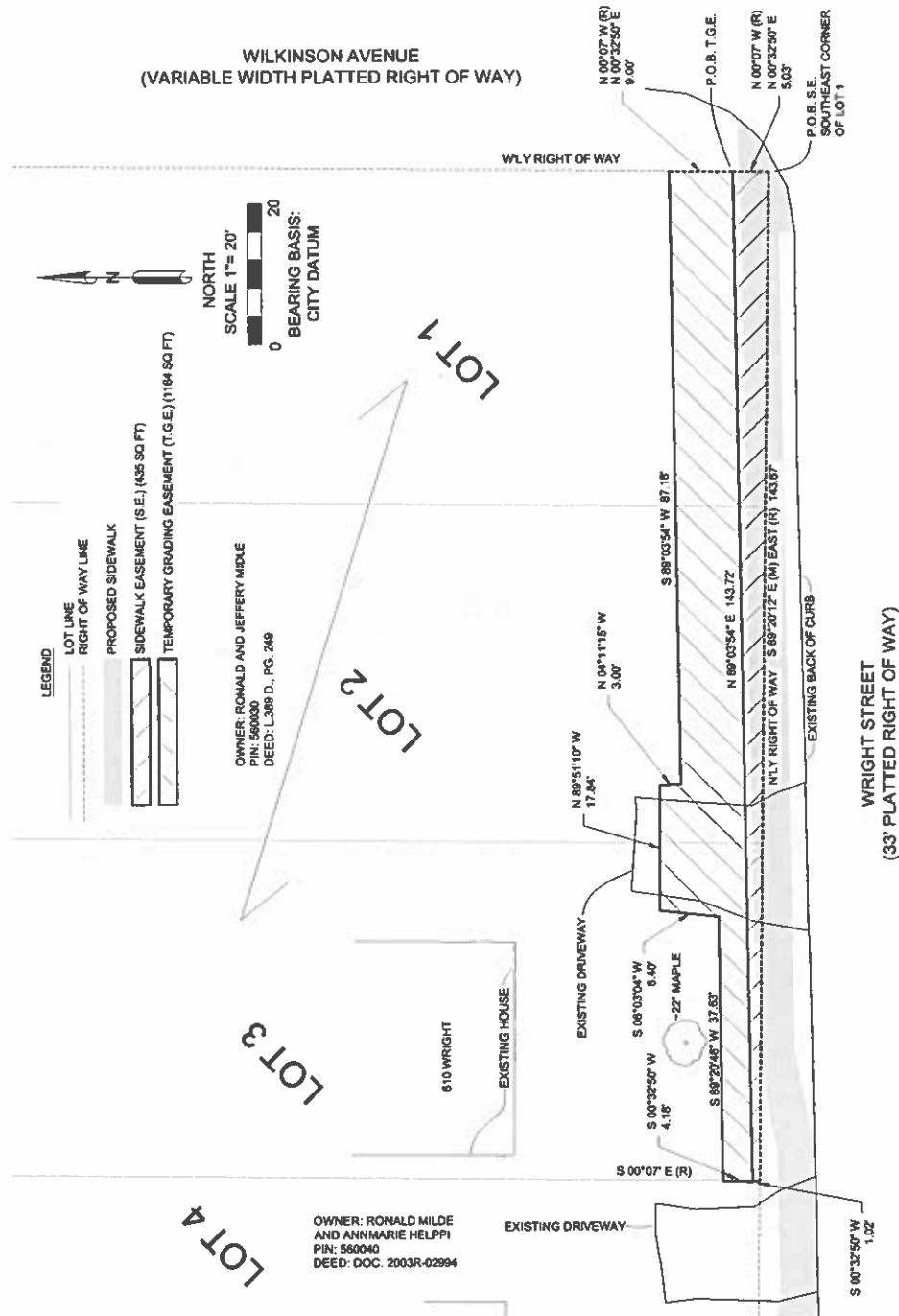
Thence continuing N00°32'50"E along said westerly R.O.W. a distance of 9.00 feet; thence S89°03'54"W 87.18 feet; thence N04°11'15"W 3.00 feet; thence N89°51'10"W 17.84 feet; thence S06°03'04"W 8.40 feet; thence S89°20'46"W 37.63 feet to the lot line common to said Lots 3 and 4; thence S00°32'50"W (recorded as S00°07'E) along said lot line 4.18 feet; thence N89°03'54"E 143.72 feet to the Point of Beginning.

The above described parcels contain 1164 square feet, more or less, and is subject to all mineral rights, mineral reservations, mineral exceptions, easements and building and use restrictions of record, and all other conditions, reservations, exceptions and restrictions as may be contained in any conveyance constituting the recorded chain of title to said premises, and further subject to all applicable zoning laws, ordinances and visible easements, if any.

Prepared by: S. Holmquist
Date: January 26, 2023
Prepared for: City of Marquette
City of Marquette Engineering Department Job No: MQ23-018
PIN: 560030
J:\Projects\MQ23-018 - Sidewalk Repair and Replace\Field Construction Related\All Survey\Legal Descriptions\Lots 123\MQ23-018 Wright Street - Temporary Grading Easement (Lots 123) - Legal Description (230125).doc

EXHIBIT "A" EASEMENT SKETCH

VARIABLE WIDTH EASEMENTS FOR SIDEWALK AND GRADING PURPOSES ACROSS
PART OF LOTS 1, 2, AND 3 OF THE ASSESSORS PLAT OF FLUETTE'S ADDITION,
CITY OF MARQUETTE, MARQUETTE COUNTY, MICHIGAN



PREPARED BY:
CITY OF MARQUETTE
ENGINEERING DEPARTMENT
1100 WRIGHT STREET
MARQUETTE, MI 49855
S. HOLMQUIST
JANUARY 26, 2023
SHEET 3 OF 3

NOTES:

- THIS SKETCH IS INTENDED TO BE USED FOR A VISUAL REFERENCE ONLY.
- BEARINGS AND DISTANCES ARE CALCULATED UNLESS OTHERWISE NOTED.
- THIS SKETCH DOES NOT REPRESENT, AND IS NOT INTENDED TO REPRESENT, A LAND SURVEY UNDER THE PROVISIONS OF ACT 132, MICHIGAN P.A. 1970, AS AMENDED. THIS SKETCH AND/OR DESCRIPTION WAS PREPARED AT THE REQUEST OF, AND FOR THE SOLE USE BY THE CITY OF MARQUETTE.

City of Marquette, MI

300 West Baraga Avenue
Marquette, MI 49855

Agenda Date: 7/31/2023

New Business

Site Condominium Development Request - "The Bluffs" on Forestville Basin Trail

BACKGROUND:

On June 20, 2023, the Planning Commission conducted a public hearing for the proposed site condominium subdivision to be called "The Bluffs", which is proposed to have eight units located south of the terminus of Forest Basin Trail. The Land Development Code specifies a two-step review process in section 54.503(B).

The Planning Commission reviews the Site Condominium proposal and provides a recommendation to the City Commission. The City Commission's approval confers upon the developer the right to proceed with the preparation of a condominium master deed. The master deed will be reviewed by City staff to determine compliance with City ordinances and standards prior to final approval, and within a year after the draft master deed is approved by staff, the developer must furnish to City staff copies of the recorded master deed, a copy of all restrictive covenants, a copy of the condominium owner's association bylaws. Within one year of completion of development, the developer shall furnish staff with two copies of the "as built survey" for review by the City Engineer and Zoning Administrator to verify compliance with City codes and standards.

After conducting the public hearing for this request, the Planning Commission approved the following motion:

It was moved by S. Lawry, seconded by K. Clegg, and carried 5-0 that after review of the site plan and the supplemental documentation dated 05-23-23, and the Staff Report for 09-SPR-06-23 & 01-CSD-06-23, the Planning Commission finds substantial compliance with the City of Marquette Land Development Code Section 54.1405 and Section 54.503 and hereby recommends that the City Commission approve 09-SPR-06-23 & 01-CSD-06-23 with the following conditions:

1) the submittal of an amended plan is submitted to meet staff original and additional comments.

2) that the Master Deed include language to the effect that limited City services are available to residents of these lots, and language to indicate that the provision of City infrastructure would be at the cost of abutting landowners and not at the general obligation of the City or its utility funds.

FISCAL EFFECT:

Up to eight single-family dwelling units in the proposed condominium subdivision would be added to the tax rolls.

RECOMMENDATION:

Approve the proposed condominium subdivision.

ALTERNATIVES:

As determined by the Commission.

ATTACHMENTS:

Description

- ▣ Planning Commission case file for 01-CSD-06-23
- ▣ Planning Commission meeting minutes - 062023



CITY OF MARQUETTE
PLANNING AND ZONING
1100 WRIGHT ST
MARQUETTE, MI 49855
(906) 228-0425
www.marquettemi.gov

MEMORANDUM

TO: Planning Commission
FROM: Andrea Landers, Zoning Official
DATE: June 14, 2023
SUBJECT: 09-SPR-06-23 & 01-CSD-06-23 – The Bluffs Site Condominiums (PIN: 0510156)

Staff has reviewed the proposed a site condominium subdivision to be called The Bluffs and is proposed to have 8 units located at Forest Basin Trail, and has provided comments regarding the plan.

Please see the attached Staff Report for more specific information regarding the application.

The Land Development Code specifies a two-step review process. The Planning Commission will review the site condominium proposal and provide a recommendation to the City Commission. Then the City Commission will review it.

Recommended Action:

The Planning Commission should review the site plan and support information provided in this packet and determine whether or not the site condominium subdivision to be called The Bluffs and is proposed to have 8 units located at Forest Basin Trail is in compliance with the City of Marquette Land Development Code, more specifically, the Site Plan Review Standards in Section 54.1402(E) and Condominium Developments Section 54.503.

Staff also recommends that the Planning Commission consider appropriate conditions of approval to ensure that any comments provided by staff and which the Planning Commission concurs with but have not been answered by the developer, are addressed.

As always, it is highly recommended that any motion regarding the amended plan include:

After review of the site plan and the supplemental documentation dated 05-23-23, and the Staff Report for 09-SPR-06-23 & 01-CSD-06-23, the Planning Commission (finds/does not find) substantial compliance with the City of Marquette Land Development Code Section 54.1405 and Section 54.503 and hereby recommends that the City Commission (approve / deny) 09-SPR-06-23 & 01-CSD-06-23 (as presented / for the following reasons / with the following conditions).

Staff recommends the following condition of approval - that an amended plan is submitted to meet staff original and additional comments.

STAFF FILE REVIEW/ANALYSIS

Completed by Andrea Landers –Zoning Official

Reviewed by David Stensaas – City Planner and Zoning Administrator



File #: 01-CSD-06-23 (also 09-SPR-06-23)

Date: June 14, 2023

Project/Application: Cedar Pointe Family Trust, LCC and Bruce Pesola are requesting a site condominium subdivision to be called The Bluffs and is proposed to have 8 units.

Location: Forestville Basin Trail

Parcel ID: 0510156

Available Utilities: There are no City utilities or services for this area, but there is electricity provided to the area by the Marquette Board of Light and Power.

Surrounding Zoning: North: CR – Conservation and Recreation & Marquette Township
South: BLP- Board of Light and Power
East: BLP- Board of Light and Power
West: CR – Conservation and Recreation & BLP- Board of Light and Power

Year Built: Vacant parcel.

Sales: The owner bought the property on September 9, 2013.

Zoning District and Standards (Staff Comments in *ITALIC and PURPLE Colored Text*):

LDR – CR: Low Density – Conditional Rezoning

Please see attached for the Conditional Rezoning contract, as Conditional Rezoning has its own zoning standards. The City Commission approved the Conditional Rezoning on June 27, 2022, and the contract was recorded on February 1, 2023.

Definitions:

- **Condominium, Site:** A condominium project established in conformance with the Condominium Act, and in which each condominium unit is for single-family use and the building or buildings (which could include a detached garage or shed) located on each condominium unit is completely detached from the building(s) located on other condominium units. Additionally, no part of any building located on a unit, land upon which the building sits, or airspace above the building may be defined as a common element of the condominium project.

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- **Condominium Subdivision Plan:** A plan meeting the requirements of Section 66 of the Condominium Act, which shall consist of: site, survey and utility plans; floor plans; and Sections, as appropriate showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements. The condominium subdivision plan shall also include the adopted site plan and/or Exhibit B as required by the Condominium Act.

Relationship to Section 54.503 Condominium Developments Standards (Staff Comments in *ITALIC and PURPLE Colored Text*):

Section 54.503 Condominium Developments

- (A) **Intent and Application.** The following regulations shall apply to all condominium and site condominium developments within the City of Marquette.
- (B) **Site Condominiums.** Pursuant to authority conferred by Section 241 (Law, Ordinance, or Regulation of Local Unit of Government) of the Condominium Act, as amended, all site condominiums must be approved by the City Commission following review and recommendation for approval by the Planning Commission. In determining whether to recommend a site condominium for approval to the City Commission, the Planning Commission shall consult with and receive a written response from the Planning Director, City Attorney, City Engineer, and Zoning Administrator regarding the adequacy of the master deed, deed restrictions, utility systems and street, development layout and design and compliance with all requirements of the Condominium Act and the Land Development Code.

This staff report shall be the written response. If this is approved by the City Commission, then City staff will be reviewing the draft master deed and deed restrictions. All other items are being reviewed through this step of the process.

- (C) **Condominiums.** Pursuant to authority conferred by Section 241 (Law, Ordinance, or Regulation of Local Unit of Government) of the Condominium Act, as amended, all condominiums must be approved by City Staff through an administrative site plan review as outlined in this section. The Planning Director, City Attorney, and Zoning Administrator will review the condominium regarding the adequacy of the master deed, deed restrictions, interior development layout and design, and compliance with all requirements of this Condominium Act and the Land Development Code.

N/A.

- (D) **Initial Information.** Concurrently with notice required to be given to the City of Marquette pursuant to Section 171 (Notice of Proposed Action) of Condominium Act, as amended, the condominium subdivision plan for each condominium and site

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condominium project shall be prepared by a licensed architect, licensed professional surveyor, or licensed professional engineer and shall bear the signature and seal of the licensed architect, licensed professional surveyor, or licensed professional engineer. In addition to any information required by the Condominium Act or Department of Licensing and Regulatory Affairs (LARA) Administrative Rules 559.010-559-903, each condominium and site condominium subdivision plan must include the following information:

- (1) The name, address, telephone number, and email address of:
 - (a) All persons, firms or corporation with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
 - (b) All engineers, attorneys, architects or registered land surveyors associated with the project.
 - (c) The developer or proprietor of the condominium development.
- (2) A cover sheet. The cover sheet shall list all documents included in the condominium subdivision plan and contain a notice that reads substantially as follows: "This condominium subdivision plan is not required to contain detailed project design plans prepared by the appropriate licensed design professional. Such project design plans are filed, as part of the construction permit application, with the enforcing agency for the state construction code in the relevant governmental subdivision. The enforcing agency may be a local building department or the state department of licensing and regulatory affairs."
- (3) A survey plan, including the legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers. The survey plan shall be signed and sealed by the licensed professional surveyor preparing the boundary survey for the condominium project.
- (4) A floodplain plan, if the condominium lies within or abuts a floodplain area.
- (5) A site plan (See [Section 54.1402\(C\)](#)).
- (6) A utility plan, including a description of the water and sewer service.
- (7) Floor plans.
- (8) The size, location, area, and horizontal boundaries of each condominium unit and the acreage content of the land on which the condominium development will be developed.
- (9) A number assigned to each condominium unit.
- (10) The vertical boundaries and volume for each unit comprised of enclosed air space.
- (11) Building sections showing the existing and proposed structures and improvements including their location on the land. Any proposed structure or improvement shall be labeled either "must be built" or "need not be built". To the extent that a developer is contractually obligated to deliver utility conduits, buildings, sidewalks, driveways, landscaping, and an access road, the same shall be shown and designated as "must be built", but the obligation to deliver such items exists whether or not they are so shown and designated.
- (12) The nature, location, and approximate size of the common elements.
- (13)

Other information deemed necessary by the Zoning Administrator.

These have been determined to have been provided for those items that are applicable.

- (E) **Site Plans for New Projects.** Prior to recording of the master deed required by Section 72 (Establishment of Condominium Project) of the Condominium Act, as amended, the condominium and site condominium development shall undergo site plan review and approval pursuant to the requirements of [Section 54.1402](#) of this Ordinance. In addition, the City shall require appropriate engineering plans and inspections prior to the issuance of any certificates of occupancy. All condominium and site condominium projects are subject to the zoning requirements of their respective zoning districts and this Ordinance.

A site plan has been submitted and this section shall be met.

- (F) **Plans for Expandable or Convertible Projects.** Prior to expansion or conversion of a condominium or site condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to [Section 54.1402](#) of this Ordinance and this [Section 54.503](#). The conversion of any development to condominium form of ownership shall require all standards and requirements of this Ordinance regarding condominiums to be met.

N/A.

- (G) **Design and Engineering Standards and Required Improvements for Site Condominium Developments.** The design and engineering standards for site condominium developments, as well as required improvements for site condominium developments, shall be the same as those required for subdivisions in [Section 54.501\(E\)](#).

- (a) **Exception:** If there are no other public streets within 1,500 feet of the nearest site condominium parcel line, then the site condominium parcel can have private road frontage and any of the street development standards do not have to be met in Section 54.501(E) (1), (2), (6), (7), and (8) items. The standards in Section 54.501(E) (3), (4), and (5) do have to be met, however any reference to “street” will be replaced with “private road”.

The proposal meets the above exception; therefore they are allowed to apply for a private road and the proposed units have private road frontage.

- (H) **Approval and Submittal requirements for Master Deed, Restrictive Covenants, “As Built” Survey and Site Plan, and Association Bylaws to be Furnished.**
- (1) Approval of the condominium and site condominium by the City Commission or City Staff, shall confer upon the developer the right to proceed with preparation of a condominium master deed. The master deed and/or restrictive covenants of the

condominium and site condominiums shall include any required standards of this Ordinance.

(2) Copies of the draft master deed and/or restrictive covenants shall be provided to the Zoning Administrator for review by the City to determine compliance with City ordinances and standards prior to final approval of the condominium or site condominium or as a condition of final approval. Once the review is complete and the City gives its final approval, the Master Deed shall be recorded in the office of the Marquette County Register of Deeds.

(3) Within 1 year of the final approval by the City, the developer shall furnish the Zoning Administrator with the following upon their completion: one (1) copy of the recorded master deed, one (1) copy of all restrictive covenants, and one (1) copy of the condominium owner's association bylaws. Within 1 year of the completion of development project the developer shall furnish the Zoning Administrator with two (2) copies of an "as built survey". The "as built survey" shall be reviewed by the City Engineer and/or the Zoning Administrator to verify compliance with City ordinances and standards. Once the City verifies that the "as built survey" is in compliance with City ordinance and standards, the proprietor shall furnish to the City a copy of the site plan on 24 inch by 36 inch sheets and in a digital format acceptable to the City. As-built plans are required pursuant to [Section 54.1402\(L\)](#).

If the site condominium is approved by the City Commission, then this section must be met.

- (I) Monuments Required.** All site condominium developments which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites shall be marked with monuments, which shall be set in accordance with Michigan Public Act 288 of 1967, as amended (the Land Division Act), and the rules of the State of Michigan. If any monument or unit marker is removed during construction the responsible party shall secure the services of a professional surveyor to replace the monument or unit marker.

If the site condominium is approved by the City Commission, then this section must be met.

- (J) Compliance with Federal, State, and Local Law.** All condominium and site condominium development shall comply with Federal and State statutes and local ordinances, including the Condominium Act and the Department of Licensing and Regulatory Affairs (LARA) Administrative Rules 559.010-559-903.

If the site condominium is approved by the City Commission, then this section must be met.

- (K) Subdivision of Site Condominium Units and Condominium Units.** A site condominium unit or condominium unit shall not be subdivided unless the approved site plan and master deed expressly permit it. The subdivision of a site condominium unit or condominium unit must follow the procedures stated in the Condominium Act, as amended. If the approved site plan and master deed do not expressly permit

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a site condominium unit or condominium unit to be subdivided, a proposed subdivision of a site condominium unit or condominium unit shall undergo site plan review and approval pursuant to the requirements of [Section 54.1402](#) of this Ordinance. All subdivisions of individual site condominium units shall conform to the requirements of this Ordinance for minimum lot/unit width, lot/unit area, and building setback requirements, for the zoning district in which the site condominium project is located, and these requirements shall be made part of the bylaws and recorded as part of the master deed. All subdivisions of individual condominium units shall conform to the requirements of this Ordinance for allowable number of units in a structure for the zoning district in which the condominium project is located, and these requirements shall be made part of the bylaws and recorded as part of the master deed.

Please see the applicant's response to Zoning General Comment #5.

- (L) Encroachment Prohibited.** Encroachment of one site condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.

If the site condominium is approved by the City Commission, then this section must be met.

- (M) Relocation of Boundaries.** The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the bylaws and recorded as part of the master deed.

If the site condominium is approved by the City Commission, then this section must be met.

- (N) Performance Guarantee.** The Zoning Administrator may allow occupancy of the condominium and site condominium development before all improvements required by this Ordinance are installed provided that cash, a certified check, or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the City. The expiration date of a temporary occupancy permit shall be as determined by the Planning Director upon issuance of the permit.

N/A, as the proposal is only for a private road and splitting the parcel into 8 site condominium units.

Relationship to Site Plan Review Standards (Staff Comments in *ITALIC and PURPLE Colored Text*):

Per Section 54.1402(E) of the Land Development Code, "Site Plan Review Standards. In addition to the development standards of this Ordinance as well as the underlying zoning district, each site plan shall be designed to ensure that":

- (1) Public Health, Safety, and Welfare. The uses proposed will not harm the public health, safety, or welfare. All elements of the site plan shall be designed to take into account the site's topography, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and ordinary development or improvement of surrounding property for uses permitted in this Ordinance.

The proposed site plan is for 8 site condominium units that will have access through a private road to this proposed private road. Per the applicant's response to Zoning General Comment #2, "The existing Condo Board has agreed to provide easement and roadway maintenance agreement. Documents will be signed following conditional approval and provided to the City prior to Construction and Recording."

- (1) Safe and Efficient Traffic Operations. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, and other elements such as walkways shall be designed to promote safe and efficient traffic operations within the site and at its access points.

The proposal is for a private gravel road and does not include any separate pedestrian circulation like sidewalks.

- (2) Vehicular and Pedestrian Circulation. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned street and pedestrian or bicycle pathways in the area. There shall be provided a pedestrian circulation system which is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, shopping centers, and other uses which generate a considerable amount of pedestrian traffic.

There are no existing city streets or pathways in the area. The proposal is for a private gravel road and does not include any separate pedestrian circulation like sidewalks.

- (3) Topography and Landscaping. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding property.

The proposal indicates the proposed area of grading for the proposed private road. Per Sheet C2, "the contractor shall be required to obtain Soil Erosion and Sediment Control permits prior to construction".

- (4) Storm Water Management. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Surface water on all paved areas shall be collected so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.

City Engineering staff have reviewed the plans for storm water management. Per Sheet C2, "storm water for roadway is handled in Ditch to the North".

- (5) Emergency Vehicle Access. All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access as required by the Fire Department and Police Department.

Please see attached correspondence from Marquette Township Fire Department, comments from the City Fire Department, and the City Police Department did not have any comments.

- (6) Outdoor Storage and Loading and Unloading Areas. All outside storage areas, including refuse storage stations, shall be screened from the view of the street and/or adjacent residentially zoned properties. All loading and unloading areas shall be reasonably screened for residentially zoned properties.

N/A.

- (7) Lighting. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and bodies of water so that it does not impede the vision of traffic along adjacent streets or impair navigation on the waterway. Flashing or intermittent lights shall not be permitted.

N/A as these are vacant units, and for the proposed private road, the proposal does not show any lights in the private right-of-way.

- (8) Location of Building Entrances. For consistency in areas where adjoining properties face the street, the Planning Commission may require that primary structures shall be oriented so that their main entrance faces the street upon which the lot fronts. If the development is on a corner lot, the main entrance may be oriented to either street or to the corner.

N/A.

- (9) Nuisances. No noise, vibration, dust, fumes, or other nuisance shall leave the property in a manner that affects the surrounding area.

It is not anticipated that this development will be a nuisance to surrounding properties.

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(10) City of Marquette Engineering Design and Construction Standards. The site plan must comply with the City of Marquette Engineering Design and Construction Standards.

N/A.

Attachments:

- Site Plan Review Application
- Email regarding easement agreement
- Draft Easement Agreement
- MQT Township Fire Department Correspondence
- Police Staff comments
- Applicant's responses to the Zoning, Engineering, DPW, and Fire staff comments
- Area Map
- Block Map
- Photos
- Site Condominium Plan
- Conditional Rezoning Agreement
- Correspondence

CITY OF MARQUETTE SITE PLAN REVIEW APPLICATION



CITY STAFF USE

09-SPR-06-23

Parcel ID #: 0510156 File #: 01-CSO-06-23
 Receipt/Inv #: 301232 Check #: 1172 Received by and date: 5-23-23 AC
 Site Plan Sheet set (PC Review 5 - need 1 more 6 copies/Admin Review - 3 copies) Submitted: Y/N Digital Copy: Y/N
 If applicable - Hearing Date: 6-20-23 Notice Date: 6-23-23 Application complete (checklist, etc): Y/N
 Does the site plan meet the required items: Y N

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED, THE SITE PLAN REVIEW REQUEST WILL NOT BE SCHEDULED FOR A HEARING UNTIL IT HAS BEEN VERIFIED THAT ALL OF THE INFORMATION REQUIRED IS PRESENT AT THE TIME OF THE APPLICATION - NO EXCEPTIONS!

Businesses may need to be made accessible to the public and employees per the Americans with Disabilities Act and State Construction Code.

FEE SCHEDULE (We can only accept Cash or Check (written to the City of Marquette))

Commercial, Industrial, Residential with 3 or more units, and Final PUD Site Plan (includes zoning compliance fee)		Site Condominium	
☐ Sketch Plan	\$900	☒ Site Condominium Review	\$1,940
☐ Preliminary SPR	\$1,785	☐ Revised (Developer Initiated)	\$940
☐ Administrative Review (CDRT review)	\$1,960	Plats/Subdivision	
☐ Administrative Review (Non-CDRT review)	\$1,030	☐ Preliminary	\$1,940
☐ Planning Commission Review	\$2,240	☐ Final	\$1,940
Revised Site Plan (Developer Initiated)		☐ Revised	\$940
☐ Administrative Review (CDRT)	\$1,475	☐ Site Plan Review fee is included in the Special Land Use Permit or Planned Unit Development application fees	
☐ Administrative Review (Non-CDRT review)	\$1,000		
☐ Planning Commission Review	\$1,705		

If you have any questions, please call 228-0425 or e-mail alanders@marquettetmi.gov. Please refer to www.marquettetmi.gov to find the following information:

Planning Commission page for filing deadline and meeting schedule

Excerpts from the City Land Development Code

- Section 54.1402 Site Plan Review (this is attached to the application).
- Section 54.1401 Zoning Permits and Zoning Compliance Review.
- If you are applying for a Site Condominium/Plat/Subdivision, please review Article 5.

STORMWATER

Will you be managing stormwater and applying for a stormwater utility fee reduction? ☐ Yes ☒ No

If yes, please refer to the Stormwater Utility Fee Reduction Application on the City website at www.marquettetmi.gov under the Engineering applications.

PRE-APPLICATION CONFERENCE

It is strongly encouraged that all applicants and their representatives meet with City of Marquette staff prior to submitting an application for a Site Plan Review. A pre-application meeting with staff allows for a preliminary review of the application procedures, project timelines, compliance with the City Master Plan, and other project criteria, and prevents most situations that usually results in a project being postponed.

APPLICANT CONTACT INFORMATION

PROPERTY OWNER

Name: Cedar Pointe Family Trust, LLC
Address: 595 Forestville Basin Trail
City, State, Zip: Marquette, MI 49855
Phone #: (906) 360-3030
Email: _____

APPLICANT/OWNER'S REPRESENTATIVE

Name: Brian M. Savolainen, PE
Address: 3224 US-41W #240
City, State, Zip: Marquette, MI 49855
Phone #: (906) 250-5729
Email: bsavo2000@yahoo.com

ARCHITECT

Name: None - NA
Address: _____
City, State, Zip: _____
Phone #: _____
Email: _____

ENGINEER

Name: Brian M. Savolainen, PE
Address: same
City, State, Zip: same
Phone #: same
Email: same

SURVEYOR

Name: Mike Mileski
Address: 315 S. Front Street
City, State, Zip: Marquette, MI 49855
Phone #: (906) 869-3398
Email: gsi.ironbay@gmail

PROPERTY INFORMATION

Property Address: Forestville Basin Trail

Property Identification Number: 0510156

Size of property (frontage / depth / sq. ft. or acres): 27.59 Acres

Zoning District: LDR-CR

Current Land Use: None

Surrounding Zoning Districts:

North - LDR-CR

East - BLP

South - BLP

West - BLP

Surrounding Land Use:

North - Condominium

East - Municipal

South - Municipal

West - Municipal

DESCRIPTION OF PROJECT

Proposed use(s): Site Condominium - 8 Parcels

Proposed structures (including stairs) and dimensions, building style, and materials:
Future Residential TBD

Proposed site improvements:

Extend a Private Access Road approximately 1200 feet

Proposed phases and timelines for work:

Road Construction in 2023

Ultimate ownership: Condo Association

SIGNATURE

I hereby certify the following:

1. I desire to apply for a site plan review indicated in this application with the attachments and the information contained herein is true and accurate to the best of my knowledge.
2. The request would not violate any deed restrictions attached the property involved in the request.
3. I have read the attached Site Plan Review section of the Land Development Code and understand the necessary requirements that must be completed.
4. I understand that the payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the plan.
5. I acknowledge that this application is not considered filed and complete until all of the required information has been submitted and all required fees have been paid in full.
6. I acknowledge that no work can commence until the review process has been completed (includes clearing and earthwork).

Applicant Signature: Brian Matthew Savolainen Date: 5/22/23

1. I am the legal owner of the property for which this application is being submitted.
2. I authorize City Staff and the Planning Commission members to inspect the site.
3. If the applicant is other than the owner, the owner hereby grants permission for the applicant to act on his/her behalf.

Property Owner Signature: Brian Matthew Savolainen Date: 5/22/23

Parcel #: 0510156

PLEASE VERIFY THAT YOU HAVE ADDRESSED ALL THE ITEMS ON THIS LIST IN YOUR SITE PLAN. IF THERE IS NOTHING SHOWN ON THE SITE PLAN PLEASE INCLUDE A STATEMENT AS TO WHY IT HAS NOT BEEN SHOWN, OR MARK IT "NOT APPLICABLE". FAILURE TO ADDRESS THESE ITEMS WILL DELAY APPROVAL. SITE PLAN REVIEW WILL NOT BE SCHEDULED UNTIL COMPLETE PLANS ARE SUBMITTED.

		APPLICANT	
		Location in site plan	N/A attach reason
Site Plan Information Required (See Figure 52 in LDC)			
1	The applicant's name.	cover	
2	Name of the development.	Cover	
3	The preparer's name and professional seal of architect, engineer, or landscape architect indicating license in the State of Michigan.	Cover	
4	Small scale location sketch of sufficient size and scale. (SKETCH PLAN ONLY)	Cover	
5	A survey of the property, sealed by a surveyor licensed in the State of Michigan.	Sht C1	
6	Date of preparation and any revisions.	Cover	
7	North arrow.	All Shts	
8	Complete and current legal description and size of property in acres.	Sht C1	
9	Property lines and dimensions drawn to scale.	C1 & C2	
10	Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site.	Sht C1	
11	Lot lines and all structures on the property and within 100 feet of the site's property lines.	Sht C1	
12	Locations of all significant natural features – streams, wetlands and floodplains (see Section 54.805), steep slopes (see Section 54.806), woodlands and protected trees (see Section 54.807).	Sht C1	
13	Boundary of any Riparian Overlay Districts, per Section 54.320(E) . Applicable where streams and/or steep slopes, wetlands, and surface water bodies may be impacted by proposed development. Location of steep slopes (>12 percent), per Section 54.806	Extend a Sht C1 Private	
14	Any existing private or public easements	C1 & C2	
15	Location of any access points on both sides of the street within 100 feet of the site along streets where access to the site is proposed.	C1,C2,C3	
16	Locations of existing utilities.	None	Future
17	Existing topography at a minimum of two (2) foot contour intervals.	C1	
18	Building footprints, setbacks, and elevations showing height for all proposed structures with the acreage allotted to each use. See Article 3 , Article 4 , and Article 7 .	None	
19	Floor area and ground coverage ratios. See Article 3 and Article 4 .	None	
20	Schematic storm water management plan, including elements stated below for Final Site Plan requirements, as needed to show intended compliance with the requirements of the Land Development Code. (Preliminary Site Plan submittal only)	C3	
21	Proposed topography with a site grading plan with topography at a maximum of two (2) foot contour intervals.	Profiles	
22	Boundary of any Riparian Overlay Districts, per Section 54.320(E) . Applicable where streams and/or steep slopes, wetlands, and surface water bodies may be impacted by proposed development. Location of steep slopes (>12 percent), per Section 54.806	Steep Slps	

		APPLICANT	
		Location in site plan	N/A attach reason
23	Location and method of screening for all waste dumpsters. See Section 54.1003(F) .	none	
24	Location and dimensions of parking spaces. See Article 9 .	none	
25	General landscaping design concept acceptable to the Zoning Administrator. (SKETCH PLAN ONLY)	Natural	
26	A landscaping plan indicating proposed plant locations with common plant name, number, and size at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade. See Article 10	None	
27	Details of exterior lighting including locations, height, and method of shielding. See Section 54.802 .	None	
28	The location of all permanent or temporary signs, existing or proposed, including their area, size, height, illumination, and the type of construction. See Article 11 .	None	
29	Locations of utility services (with sizes) and storm water management elements, including, storm drainage, retention or detention ponds and/or swales, rain gardens, riparian buffer vegetative strips, per Section 54.803 . Any proposed public or private easements.	C3	
30	Fire hydrant number and placement or other water supply, and standpipe connection type; Fire dept. connection location; Alarm panel location; Fire dept. access details.	None	
31	If the application is related to property scheduled for phased development, the proposed layout for the total projected development shall be indicated, and the projected scope and time period shall be estimated for each additional phase. The phasing plan must be acceptable to the City staff to ensure that each phase can function independently and is not reliant on future phases if they are not constructed.	1 phase	n 2023
32	General site circulation and access including: indication of street right-of-way and pavement widths; access points; and location of pedestrian paths. See Section 54.907 . (SKETCH PLAN ONLY)	C1,C2,C3	
33	Street horizontal and vertical dimensions, including curve radii.	C3	
34	Dimensions of access points including distance from adjacent driveways or intersecting streets, including those across a street. See Section 54.907 .	C2	
35	Schematic location and names of abutting public streets and other right-of-ways, and schematic location of proposed streets/roads, driveways, parking areas, pedestrian and bicycle paths.	C1,C2	
36	Schematic of access points, including from adjacent driveways on intersecting streets, including those across a street. See Section 54.907 .	C2	
37	Locations, dimensions, and names of abutting public streets and other right-of-ways, and of proposed streets/roads, driveways, parking areas, pedestrian and bicycle paths.	C1,C2	
38	Pavement widths and pavement types for all streets/roads, pedestrian and bicycle paths.	20' Gravel rd	
39	Written verification of access easements or agreements, if applicable.	To Be Provided	

		APPLICANT		DEPARTMENT
		Location in site plan	N/A attach reason	Approved / Waived
ENGINEERING DEPT				
Please refer to the Engineering Department General Guidelines and Standards for Street and Utility Design: https://marquettemi.gov/wp-content/uploads/2018/07/Design-and-Construction-Standards-Rev.-5-4-16.pdf				
Will you be managing stormwater and applying for a stormwater utility fee reduction? ☐ Yes ☐ No				
If yes, please refer to the Stormwater Utility Fee Reduction Application: Yes Management no Fee Reduction https://marquettemi.gov/wp-content/uploads/2017/07/stormwater_utility_fee_reduction_application.pdf				
40	Include under general statements: "All utility construction work to be accepted by the City of Marquette into their utility system and all work done in public rights-of-way or easement must be done in accordance with Michigan Department of Transportation and City of Marquette standards and specifications"	"No City Utilities"		
41	Curb cut, water, sanitary sewer, storm sewer permits, etc. required? (obtain prior to construction activities)	NO		
42	Vehicle maneuvering lane size	20'		
43	Pavement width/type	Gravel		
44	Vegetated buffer or curbing between street and sidewalk and between sidewalk parking areas	NA		
45	Storm sewer in right-of-way shall be reinforced concrete	NA		
46	Sumps in catch basins?	NA		
47	Plans to be stamped, dated and signed by a professional engineer	Yes		
48	Is the downstream storm sewer capacity adequate?	Yes managing 10 year		Storm
49	Verify that storm water runoff volume or velocity is not increased onto adjacent properties	Flat Sites		
50	Does any earthwork disturb adjacent properties?	No		
51	Wetland concerns/proper permits obtained?	No		
52	Traffic impact minimal to existing conditions (stacking, etc.)?	None		
53	Vehicular and non-motorized circulation	Yes - Township Fire Verified		
54	Sanitary sewer inlet to outlet angles greater than or equal to 90 degrees?	NA		
55	Is there a hydrant at the end of any proposed dead end water main?	NA		
56	Size and material type of proposed and existing utilities shown?	None		
57	Street horizontal and vertical dimensions, radii	Yes		
58	Width and materials for non-motorized paths	Natural trails throughout		
59	Dimension of access points including distance from adjacent driveways or intersecting streets	C2		
60	Profiles will be shown for all utilities to be accepted by the City of Marquette into their utility system. All grades, pipe sizes, pipe materials, inverts and rim elevations will be shown on the profiles (water mains must have a minimum of 6 feet of cover, sanitary sewer mains must be installed under water mains with 1.5 feet of clearance	NA		

		APPLICANT		DEPARTMENT
		Location in site plan	N/A attach reason	Approved / Waived
PUBLIC WORKS DEPT.				
61	Delineate & dimension all public or private easements	C2,C3		
62	Show public utility main locations & sizes within 100 feet of property boundary		None	
63	Extension or re-routing of public utility systems required		None	
64	Capacity and condition concerns of existing utility lines to serve the project		None	
65	Abandonment of existing utility lines associated with the project		None	
66	Location of existing and proposed utility services (with sizes), including storm water to be shown		None	
67	Utility metering requirements of the project		None	
68	Backflow and cross connection requirements applicable to the project including any proposed irrigation systems		None	
69	Sanitary waste pretreatment requirements		None	
70	Adequate snow storage provided on the property, without clear vision or utility obstructions	Yes		
71	Provisions to collect drainage from snow storage areas collected on property	Ditches and off Roadway		
72	Access to public property (permits required for any work on ROW) (Drive, sidewalk, and trail connections)			
73	Additions or changes to public signing or traffic control required or recommended		None	
74	Additions to existing public sidewalks, or plowed routes, required or recommended		None	
75	Impact of project on public snow removal/storage		None	
76	Effect on plowing or ice control priorities		None	
77	New signing, overhangs, access ramps, grade changes, retaining walls, fences, etc. to be constructed in City ROW or easements		None	
78	Adequate, proper, and accessible on-site waste storage		Individual	
79	Adequate clearances and clear vision maintained for maintenance and sanitation equipment		None	
80	Removal, trimming, or planting of public trees required		None	
81	Maintenance-friendly design for any portions of the project to become public property		None	
82	Storage of hazardous materials associated with the project near public utilities		None	
83	Blasting near public utilities associated with the project		None	

		APPLICANT		DEPARTMENT
		Location in site plan	N/A attach reason	Approved / Waived
FIRE DEPARTMENT DEPT.				
84	Buildings meet NFPA standards/NFPA Life Safety Code 101/ BOCA National Property Maintenance Code		None	
85	Proper water supply for fire suppression including fire hydrants and water mains		None	
86	Safe outlets for flushing fire hydrants		None	
87	Easements to test hydrants		None	
88	Water supply meets NFPA standards		None	
89	Fire Apparatus Access		None	
90	Surface Construction			
91	Ability to support fire trucks	Yes Marquette Twp		Verified
92	Fire truck angle of approach	Yes		
93	Outside turning radius	Yes		
94	Grade of drive or road ok	Yes		
95	Overhead clearance adequate	Yes		
96	Driveways and access roads meet NFPA standards	Yes		

POLICE DEPARTMENT DEPT.				
97	Cross reference with accident data at nearest intersection(s)	NA		

ANY ADDITIONAL INFO				
98	Any additional info necessary to establish compliance with City Ordinances, State, or Federal Laws	TBD		

Fwd: Easement agreement

Mike <gsi.ironbay@gmail.com>

Tue 5/30/2023 7:52 AM

To: Andrea Landers <alanders@marquettetmi.gov>

 3 attachments (1 MB)

Scan0021.jpg; Scan0022.jpg; Scan0023.jpg;

Hi Andrea,

Attached is correspondence from BHB as to consent with Bruce Pesola's easement into the proposed site condominium.

Also, Mqt Twp Fire Dept correspondence should be forthcoming shortly.

Thank you, Andrea.

Mike

----- Forwarded message -----

From: **Donna** <fdonnajohn@aol.com>

Date: Thu, May 25, 2023 at 4:09 PM

Subject: Easement agreement

To: gsi.ironbay@gmail.com <gsi.ironbay@gmail.com>

To: Mike Mileski or to whom it may concern,

The Blue Heron Bluffs Condo Association Board of Directors have unanimously voted to enter into an Easement agreement with Bruce Pesola for access to his property on our southern border. The membership of BHBCA also voted to enter into an agreement with Bruce Pesola for access to his property. Please see attached agreement documents.

Regards,

BHBCA Board of Directors

Thomas Centko

David Staples

Mary Bourdeau

John Fegan

Ryan Staples

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is effective _____, 2023, and entered into by and between Bruce E. Pesola, individually and as Trustee of the Cedar Pointe Family Trust, whose address is 595 Forestville Basin Trail, Marquette, MI 49855, ("Developer") and Blue Heron Bluffs Condominium Association, Inc., a Michigan non-profit corporation, whose address is 320 Forestville Basin Trail, Marquette, MI 49855, (the "Association").

RECITALS

WHEREAS, the Developer owns the following parcels in Marquette County:

- a. Unit 1 in the Blue Heron Bluffs Condominium Project ("Unit 1") pursuant to the Consolidating Master Deed recorded at 2007R-00309 on January 10, 2007;

- b. A parcel in the City of Marquette, Marquette County, legally described as:

That part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 8, and that part of the Northwest Quarter (NW1/4) of Southwest Quarter (SW1/4) of Section 9, Town 48 North, Range 25 West, City of Marquette, Marquette County, Michigan described as BEGINNING at the ¼ corner common to said Sections 8 and 9; thence S89°56'00"E, 1314.85' along East-West ¼ line of said Section 9 to a 1/16 corner; thence S49°09'13"W, 1146.45'; thence N89°49'45"W, 1749.91'; thence N00°10'15"E, 415.00'; thence N89°49'45"E, 1300.00' to a line common to said Sections 8 and 9; thence N00°10'59"E, 335' to the POINT OF BEGINNING.
(the "City Parcel"); and

- c. A parcel in the Charter Township of Marquette, Marquette County, legally described as:

That part of the Northwest Quarter (NW1/4) of Section 9, Town 48 North, Range 25 West, Marquette Township, Marquette County, Michigan, lying Southwesterly of LS & I Railroad ROW;

(the "Township Parcel").

WHEREAS, the Developer desires to divide and develop the City Parcel into 8 single family residential lots;

WHEREAS, the Developer desires to sub-divide Unit 1 and construct a residence on the sub-divided portion;

WHEREAS, both Unit 1 and the City Parcel are accessed by a private road maintained by the Association, known as Forestville Basin Trail; and

WHEREAS, the Association having determined it is in its, and its members, best interests to support Developer's plans on certain terms and conditions as set forth herein.

DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS, AND RESTRICTIONS

This declaration (the "Declaration") is effective as of _____, by and between Blue Heron Bluffs Condominium Association, Inc., a Michigan non-profit corporation, whose address is 320 Forestville Basin Trail, Marquette, MI 49855, ("BHB") and Bruce E. Pesola, as Trustee of the Cedar Pointe Family Trust, whose address is 595 Forestville Basin Trail, Marquette, MI 49855, ("Developer") to establish certain easements, covenants, conditions, and restrictions that will apply to the real estate owned by the parties as provided below in this Declaration.

A. Background.

BHB is the association of owners that administers, operates, manages, and maintains the Blue Heron Bluffs Condominium project, in the Township of Marquette and City of Marquette, Marquette County, Michigan, which is Marquette County Condominium Subdivision Plan No. 11 and was first established by the Master Deed, recorded on May 20, 2002 at Liber 448, Pages 495-540 in the Marquette County Register of Deeds (the "Condominium").

The Developer owns the parcel of real property located in the City of Marquette, Marquette County, Michigan, legally described on Exhibit A hereto (the "Burdened Parcel").

Both the Condominium and the Burdened Parcel are accessed by a private road known as Forestville Basin Trail (the "Road").

The Burdened Parcel is benefited by an express easement over the Road through the Condominium.

The parties wish to bind themselves and their successors and assigns to certain terms regarding restrictive covenants on the Burdened Parcel and the maintenance of the Road and sharing its related costs.

B. Restrictive Covenants.

The following restrictive covenants apply to and burden the Burdened Parcel:

- a. The Burdened Parcel shall be used for no purpose other than establishing and operating a single family residence. No industrial uses are permitted. All uses must be consistent with applicable zoning.

- b. No dwelling, structure, or other improvement of any nature (including, without limitation to temporary structures, docks, fences, waste disposal and water systems) shall be constructed or installed within the lot/parcel, nor shall any material or exterior modification which requires a building permit, be made to existing buildings, structures or improvement, unless the owner has obtained prior approval from the City and/or County if required by ordinance. All improvements must comply with all City, County and State codes, ordinances and requirements.

C. Easement.

The Association hereby grants to Developer, and any subsequent owner of the Burdened Parcel, a 66' non-exclusive easement for ingress, egress, and utilities across Forestville Basin Trail as it now exists and an easement to extend and improve Forestville Basin Trail to provide ingress, egress, and utilities to the Burdened Parcel. This easement includes the right to maintain, repair, and improve Forestville Basin Trail. This easement does not limit or in any way modify any easement across the Project that already benefits the Burdened Parcel, including (without limitation) the easement reserved to the Association's grantor in the Warranty Deed, dated June 15, 2001 and recorded at Liber 440, page 540 on June 15, 2001 in the Marquette County Register of Deeds and the easement reserved in the Quit-Claim Deed, dated May 3, 2007 and recorded as Document No. 2007R-05129 on May 9, 2007 in the Marquette County Register of Deeds.

D. Fee for Road Maintenance.

In consideration for the maintenance performed on the Road by the Association, the Developer, or any subsequent owner of the Burdened Parcel, shall pay a fee to the Association equal to the portion of the assessment paid by a member of the Association that is related to the Road. This fee may include regular annual assessments as well as special assessments that are related to the Road and shall be paid on the same schedule as that required of the Association's members. As of the date of this Declaration, the fee due by the Developer under this paragraph is _____ per month; the Association will provide the Developer written notice of any change in this monthly fee or of any special assessment no less than 30 days prior to any such change or assessment being effective or due.

The Association may only use the fee paid under this paragraph for expenses related to the Road. The Association shall keep or cause to be kept detailed books of account showing all expenditures and receipts relating to the Road and fees collected for the Road. Such books of account shall specify the maintenance and repair expenses of the Road. Any owner or mortgagee of the Burdened Parcel may inspect the books of account and any other Association records sufficient to determine the Association's compliance with this Declaration.

E. Interest in Realty.

This Declaration shall benefit and encumber the Condominium and the Burdened Parcel; it is to run with the land, be an interest in realty, and be binding on and inure to the benefit of, and burden, the owners and occupiers of each parcel and their respective transferees, successors, and assigns. This Declaration may be enforced by BHB and any owner of the Burdened Parcel.

Signature Page to Follow.



MARQUETTE TOWNSHIP FIRE DEPARTMENT

2801 Venture Drive
Marquette, Michigan 49855
Ph | 906.228.4296
Fx | 906.228.4297
www.marquettetownship.org

Wednesday May 31, 2023

To: Fire Marshal Jeff Fossitt, Fire Chief Ian Davis
Cc: Brian Savolainen, PE, Captain, Fire Inspector Mike Gregorich (MTFR)
Mike Mileski
RE: Forestville Basin Trail Condominium Access (Marquette City)

We have reviewed the access site plans for the proposed Condominium project (8 units) on Forestville Basin Trail in Marquette City.

1. Access grades and turning radiuses on the plans are sufficient for our largest trucks.
2. No overhead obstructions were noted on the plans. However, please ensure a minimum of 14' clearance for any unforeseen overhead obstructions during and after construction.
3. Emergency vehicle access must be maintained at all times during construction. We will spot check the site during construction.

If you have any questions please feel free to contact our office at 906.228.4296.

Respectfully,

Dan Shanahan, Fire Chief
Marquette Township Fire Rescue
Work Cell: 906.869.6637
Dans@marquettetownship.org



CITY OF MARQUETTE
POLICE DEPARTMENT
300 W. BARAGA AVE.
MARQUETTE, MI 49855
(906) 228-0400
www.marquettemi.gov

MEMORANDUM

TO: Planning Commission
FROM: James Finkbeiner, Road Patrol Captain
DATE: JUNE 1, 2023
SUBJECT: Review of 01-CSD-06-23. The Bluffs.

PIN # 0510156
Forestville Basin Trail
Marquette, MI. 49855

I have reviewed the plans and have no comments at this time.

Captain James Finkbeiner
Road Patrol Captain
Marquette City Police Department





CITY OF MARQUETTE
PLANNING AND ZONING
1100 WRIGHT STREET
MARQUETTE, MI 49855
(906) 228-0425
www.marquettemi.gov

MEMORANDUM

TO: Brian Savolainen, P.E.
FROM: Andrea Landers, Zoning Official
DATE: June 2, 2023
SUBJECT: **Review of 01-CSD-06-23 – The Bluffs Site Condominiums (PIN: 0510156)**

Responses: 06/07/2023

After review of the plans, zoning staff has the following comments:

General Comments

1. Missing the lot lines and structures within 100 feet of the site's property lines. Please provide this.

Response: The missing lot lines will be added. We do not believe there are any structures within 100' but we will verify and add them to the final plan.

2. Please provide a copy of the approved/signed development/access agreement.

Response: The existing Condo Board has agreed to provide easement and roadway maintenance agreement. Documents will be signed following conditional approval and provided to the City prior to Construction and Recording.

3. Page 4 of the site plan set, has the same sheet number of page 2, please change this to be Sht. C3.

Response: This will be corrected and on final plan.

4. Will there be any common elements? If so, please provide, "the nature, location, and approximate size of the common elements".

Response: The Roadway and Utility Easements will be common elements and will be indicated on final plan and documents.

5. Is there any plan to allow for the subdivision of the site condominium units?
 - a. If so, the site plan and master deed must expressly permit it. Please provide that information on the site plan. This will also need to be provided in the draft master deed document for our review if this CSD is approved by the City Commission.

Response: There is not plan to allow further subdivision. This will be noted on the final site plan and provided in the master deed.

Sheet C1

1. Please correct the adjacent zoning district to the North to be CR- Conservation and Recreation.

Response: This will be corrected on the final plan.

Note: I will provide you with a digital file of this memo so that you may respond to my comments and I will include your narrative responses in the STAFF REPORT/ANALYSIS to the Planning Commission.

**ENGINEERING SITE PLAN REVIEW
CITY OF MARQUETTE
300 W. Baraga
Marquette, MI 49855**

Date: June 1, 2023

Location: 595 Forestville Basin Trail

Submittal Documents:

Plan Title: The Bluffs – New Private Driveway – Extension from Forestville Basin Trail

Submitted by: Brian Savolainen

Plans Stamped: 5/23/2023

Response: 06/07/2023

The following are the plan review comments from the Engineering Department for the documents identified above.

- Please provide approved/ signed copies of the access agreements/ easements.
Response: The existing Condo Board has agreed to provide easement and roadway maintenance agreement. Documents will be signed following conditional approval and provided to the City prior to Construction and Recording.

Respectfully Submitted,

Engineering Department

RE: 01-CSD-06-23 The Bluffs Site Condominium - PIN 0510156 - Forestville Basin Tr

Scott Cambensy <scambensy@marquettemi.gov>

Tue 5/30/2023 5:54 PM

To: Andrea Landers <alanders@marquettemi.gov>

Cc: Mik Kilpela <mkilpela@marquettemi.gov>

Andrea,

The parcel for the proposed site condominium project is not adjacent to any City r/w containing City utilities and I don't believe the township r/w does either so the requirements for City water and sewer don't apply. However, all water wells and onsite collection and treatment of sewage will need to follow the Upper Peninsula Environmental Health Code. I am not sure at which stage they need to demonstrate that they can meet all those requirements, but any approval would be conditional that they can.

The stormwater calcs show minimal runoff. The water follows a ditch constructed adjacent to the gravel road and then into an existing ditch at the east end of the parcel if I understand correctly. How is it being managed from that point forward to make sure it doesn't overburden the ditch, and does it eventually flow off property? I am sure Engineering Department will look at this in greater detail.

I appreciate everyone wanting to live on a dead end or cul-de-sac with little to no traffic. They are getting to be a long way off Forestville Road. From a planning perspective is there value to having a second access? It looks like CR 550 is not that far away and there may be roads off CR 550 that come close.

These comments may be more for staff discussion because we are conceptual at this time..

Scott

Response: 06/07/2023

Property owners will be responsible for health department approval of individual wells and septic systems.

Storm water is control in ditches, ground is very flat and very sanding. Storm water calculations have been provided and runoff from road will NOT impact adjacent properties.

Cul-de-Sac has been reviewed and approved by Marquette Charter Township Fire, who will be the first responders.



CITY OF MARQUETTE
Fire Department
418 S. Third St.
MARQUETTE, MI 49855
(906) 225-8941
jfossitt@marquettemi.gov



MEMORANDUM

TO: Planning Commission
FROM: Jeff Fossitt, Fire Marshal
DATE: 06-02-23
SUBJECT: Review of 01-CSD-06-23. The Bluffs. PIN # 0510156

Response: Brian Savolainen
Response Date: 06/07/2023

FIRE DEPARTMENT COMMENTS:

Plans have been reviewed. Please see the following comments for the next review.

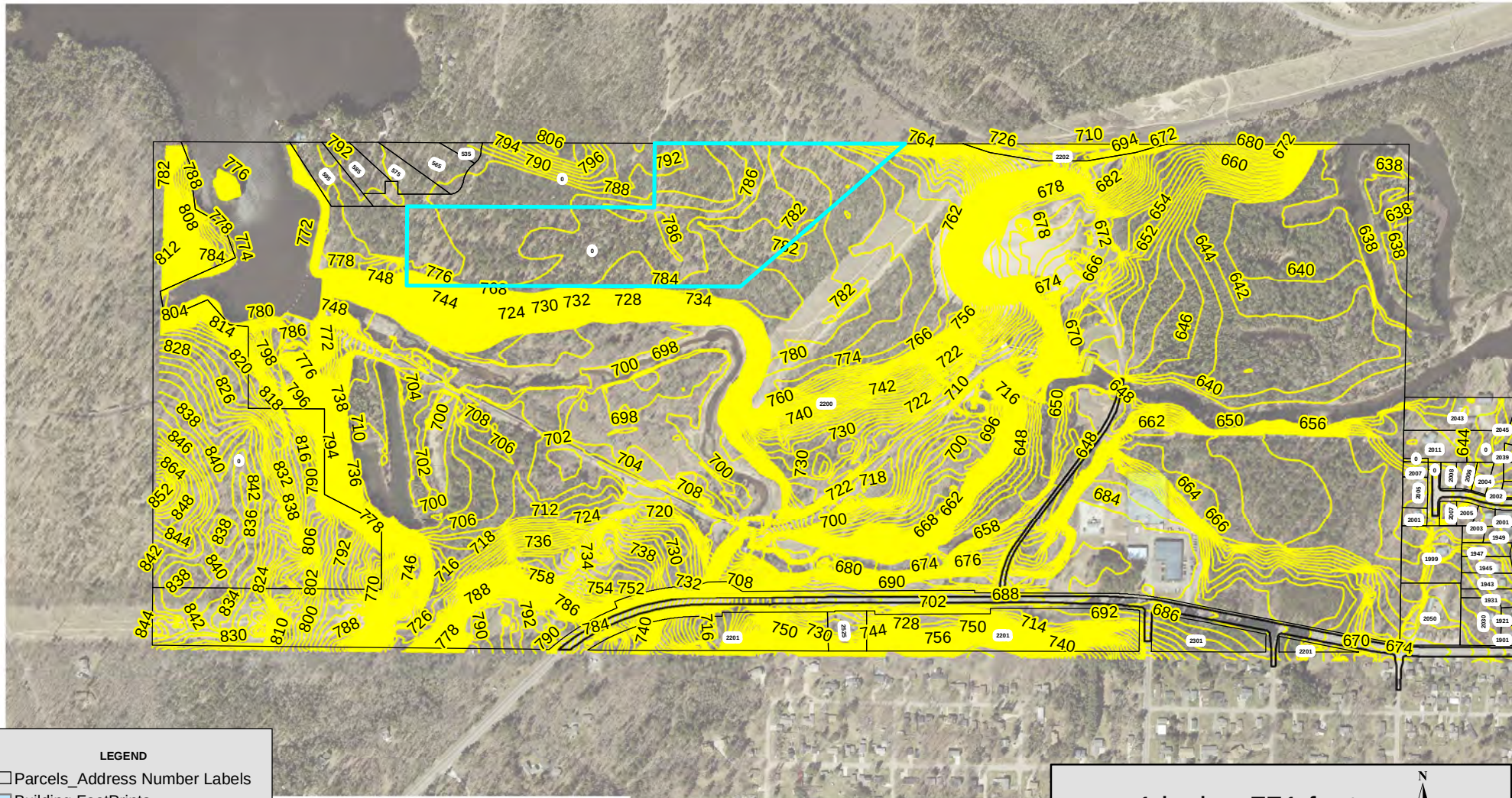
- The access road must be 20-ft wide at all times.
Response: Road will be constructed to 20' and will be Maintained.
- A minimum of 14 feet high clearance is also required.
Response: Clearance is unlimited, no structures proposed.
- Minimize access road obstructions during construction.
Response: Construction is an extension of existing road will not cause obstructions to existing homes.

Note: Marquette Charter Township fire department has also reviewed and approved the design of the roadway.

Jeff Fossitt
Fire Marshal
Marquette Fire Department



01-CSD-06-23 Area Map



LEGEND

- Parcels_Address Number Labels
- Building FootPrints
- Street Labels
- Streets
- Contours2FT_From_2002
- City of Marquette, MI

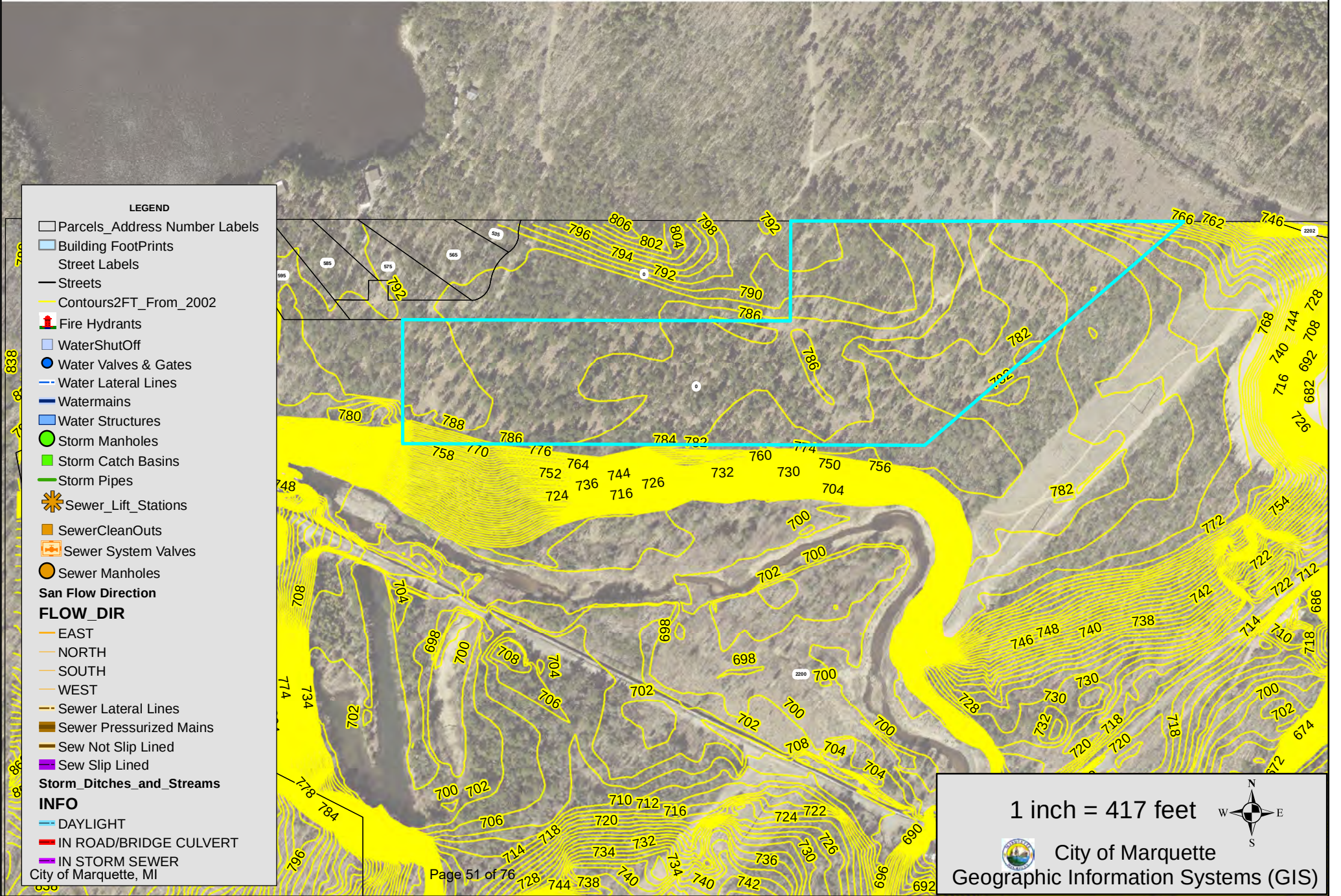
1 inch = 771 feet



City of Marquette
Geographic Information Systems (GIS)



01-CSD-06-23 Block Map







”THE BLUFFS”

NEW PRIVATE DRIVEWAY – EXTENTION FROM FORESTVILLE BASIN TRAIL

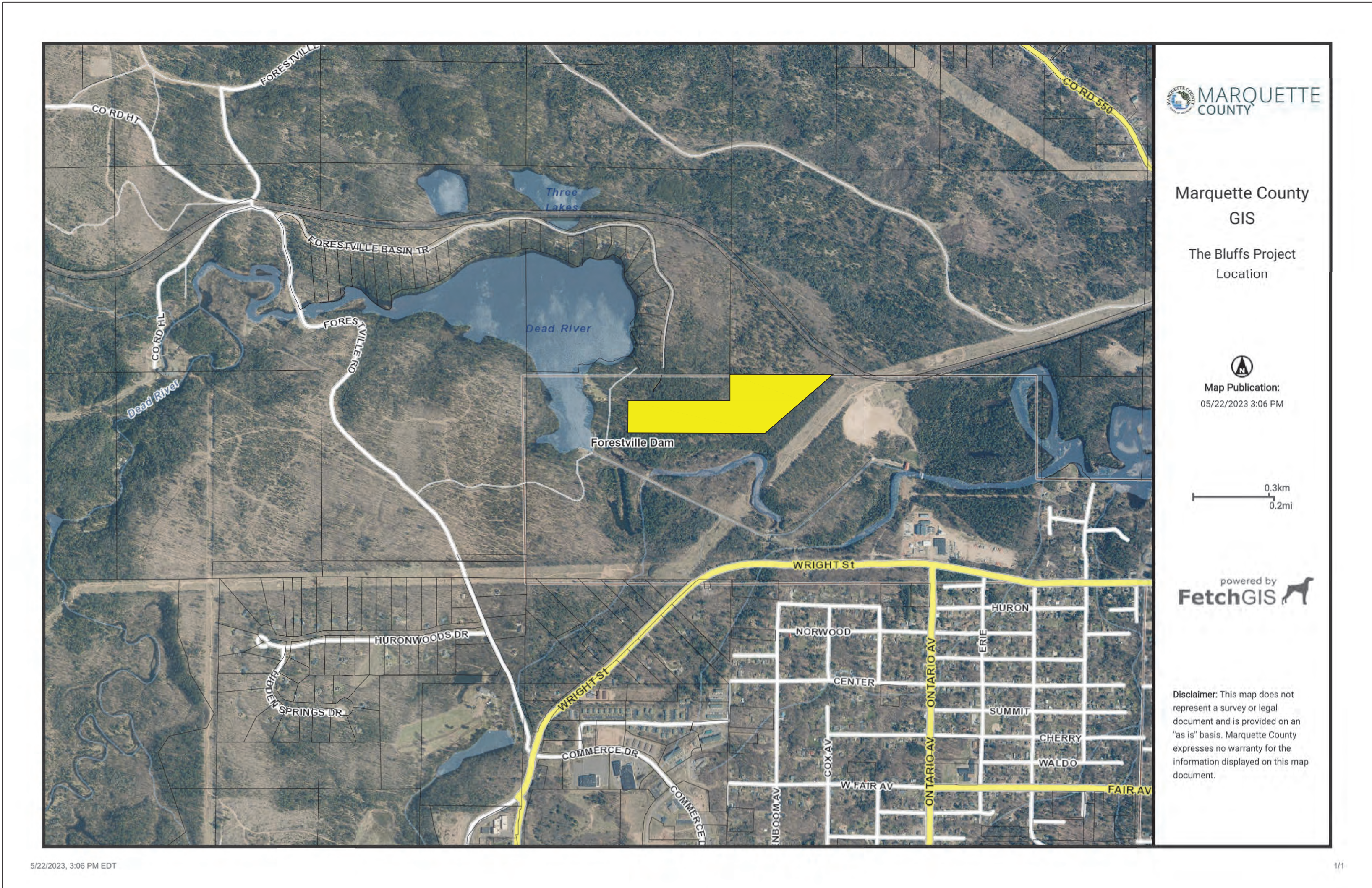
OWNER – CEDAR POINTE FAMILY TRUST, LLC

595 FORESTVILLE BASIN TRAIL, MARQUETTE, MI

Project Plan and Design Team:

Project Design Team:

- 1. Owner/Applicant:
Cedar Pointe Family Trust, LLC
595 Forestville Basin Trail
Marquette, Michigan 49855
Contact: Bruce Pesola
(906) 360-3030
- 2. Site Plan Prepared By:
Brian M. Savolainen, P.E.
3224 US-41 West #240
Marquette, MI 49855
(906) 250-5729
- 3. Architect
None
- 4. Boundary Survey by:
Geo Metric Services
315 S. Front Street
Marquette, Michigan 49855
Contact: Mike Mileski
(906) 226-9792
- 5. Contractor:
TBD

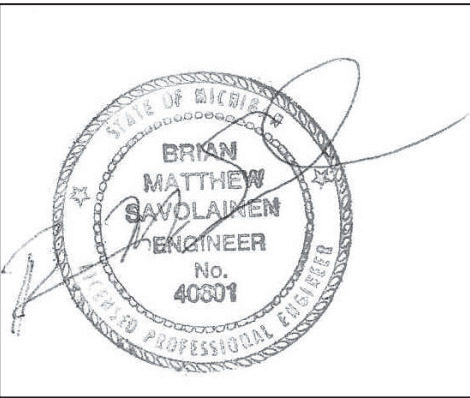


VICINITY MAP

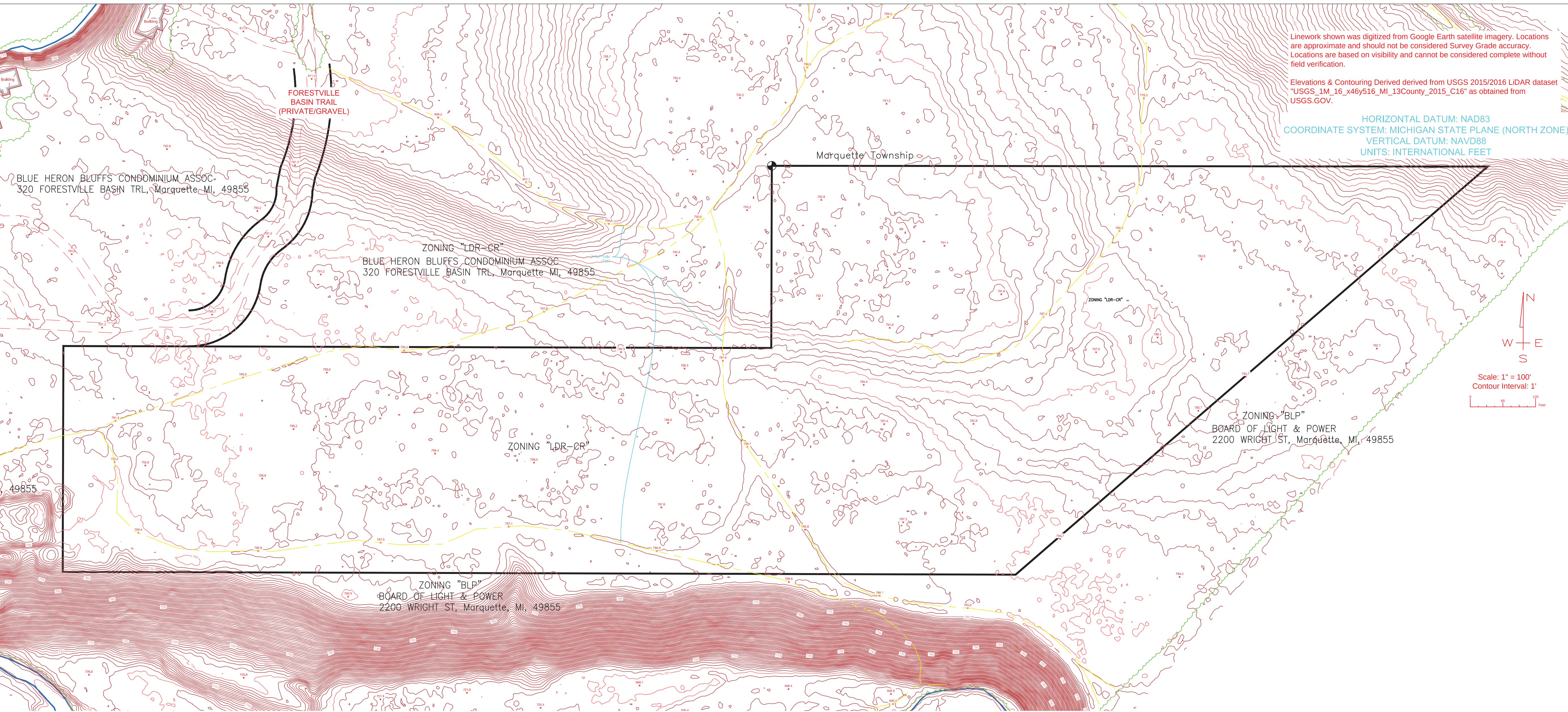
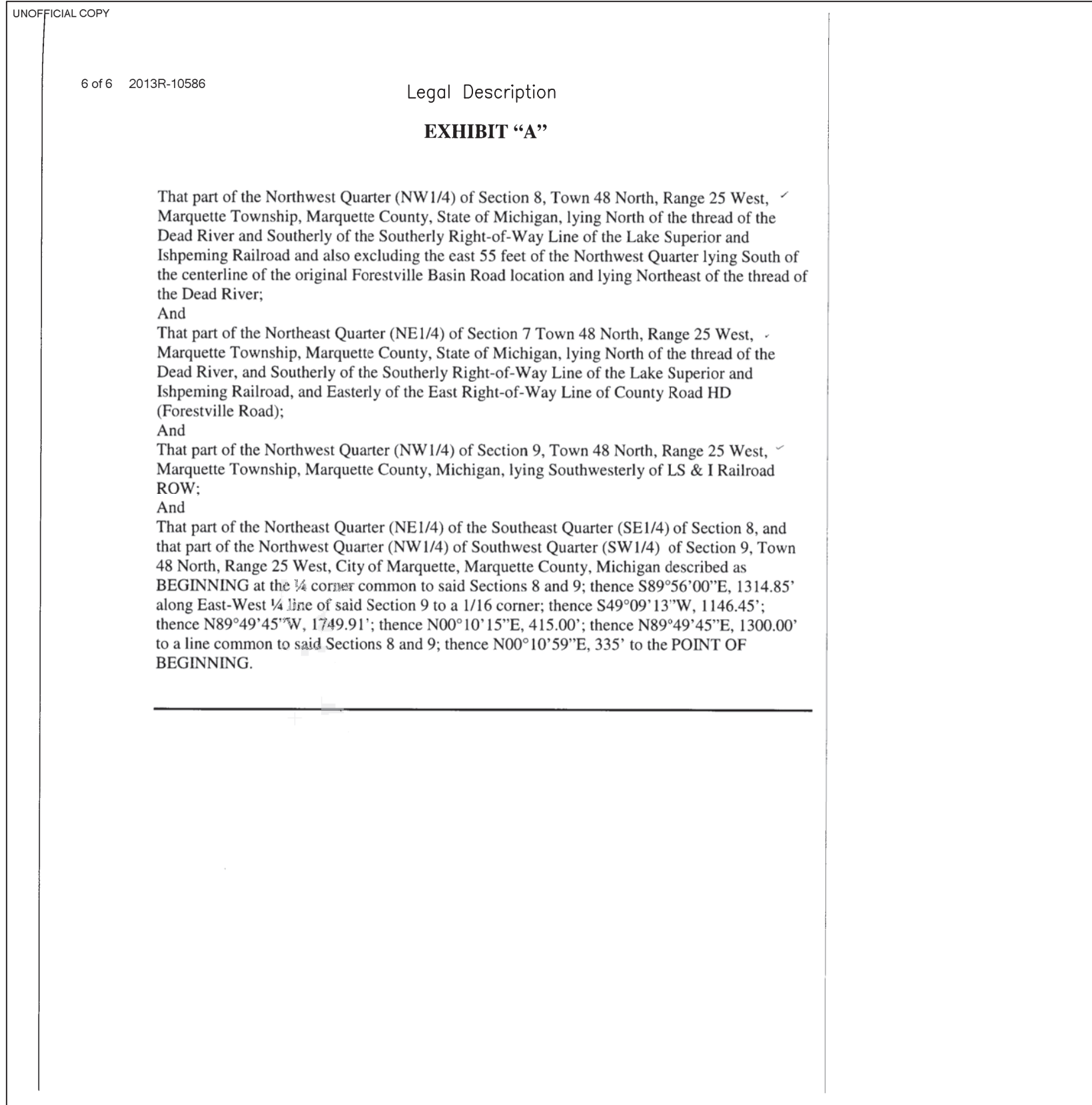
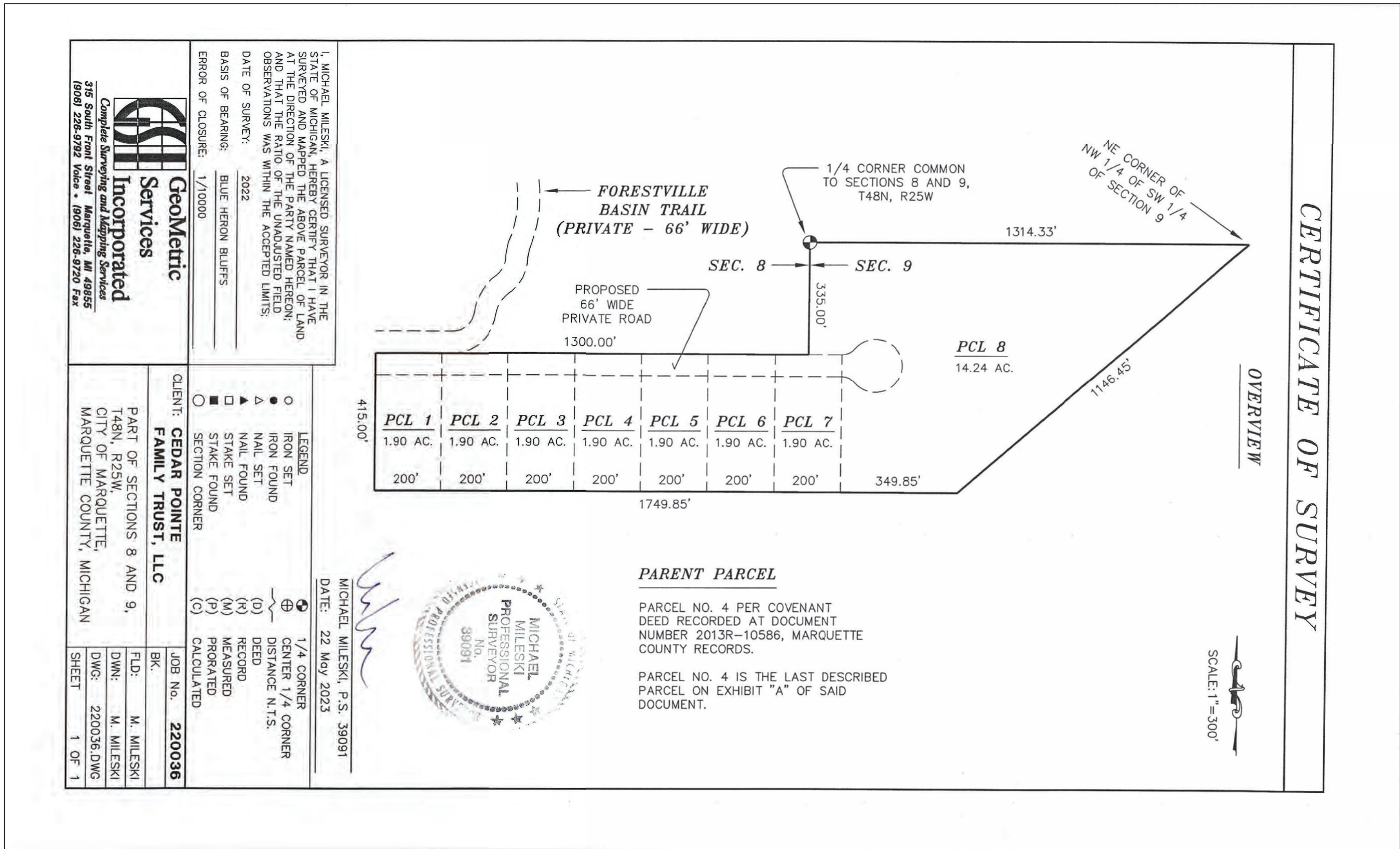
"This condominium subdivision plan is not required to contain detailed project design plans prepared by the appropriate licensed design professional. Such project design plans are filed, as part of the construction permit application, with the enforcing agency for the state construction code in the relevant governmental subdivision. The enforcing agency may be a local building department or the state department of licensing and regulatory affairs."

- SHEET INDEX
- C1.0 Existing Site Conditions & Survey
 - C2.0 Proposed Lot Layout Site Plan
 - C3.0 Proposed Roadway Plan and Profile

Electronic Submittal 05/23/2023
Hard Copies ON 05/23/2023



Brian M. Savolainen, PE
Civil Design Consultant
3224 US-41W #240
Marquette, MI 49855
bsavo2000@yahoo.com
(906)250-5729

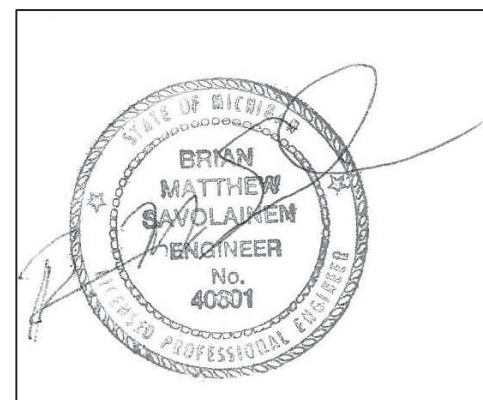


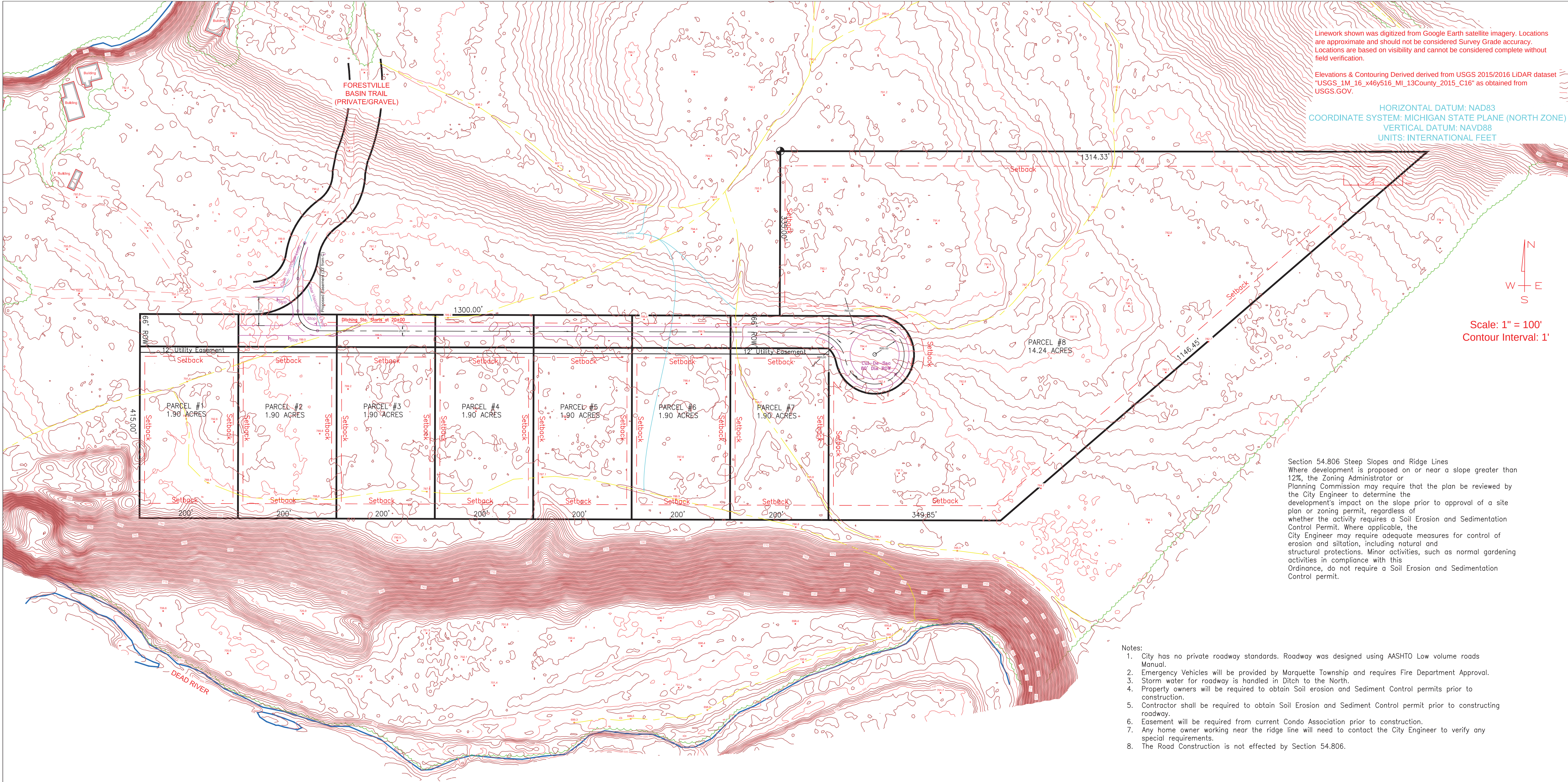
"THE BLUFFS"

NEW PRIVATE DRIVEWAY – EXTENTION FROM FORESTVILLE BASIN TRAIL

OWNER – CEDAR POINTE FAMILY TRUST, LLC

Brian M. Savolainen, PE
Civil Design Consultant
3224 US-41W #240
Marquette, MI 49855
bsavo2000@yahoo.com
(906)250-5729

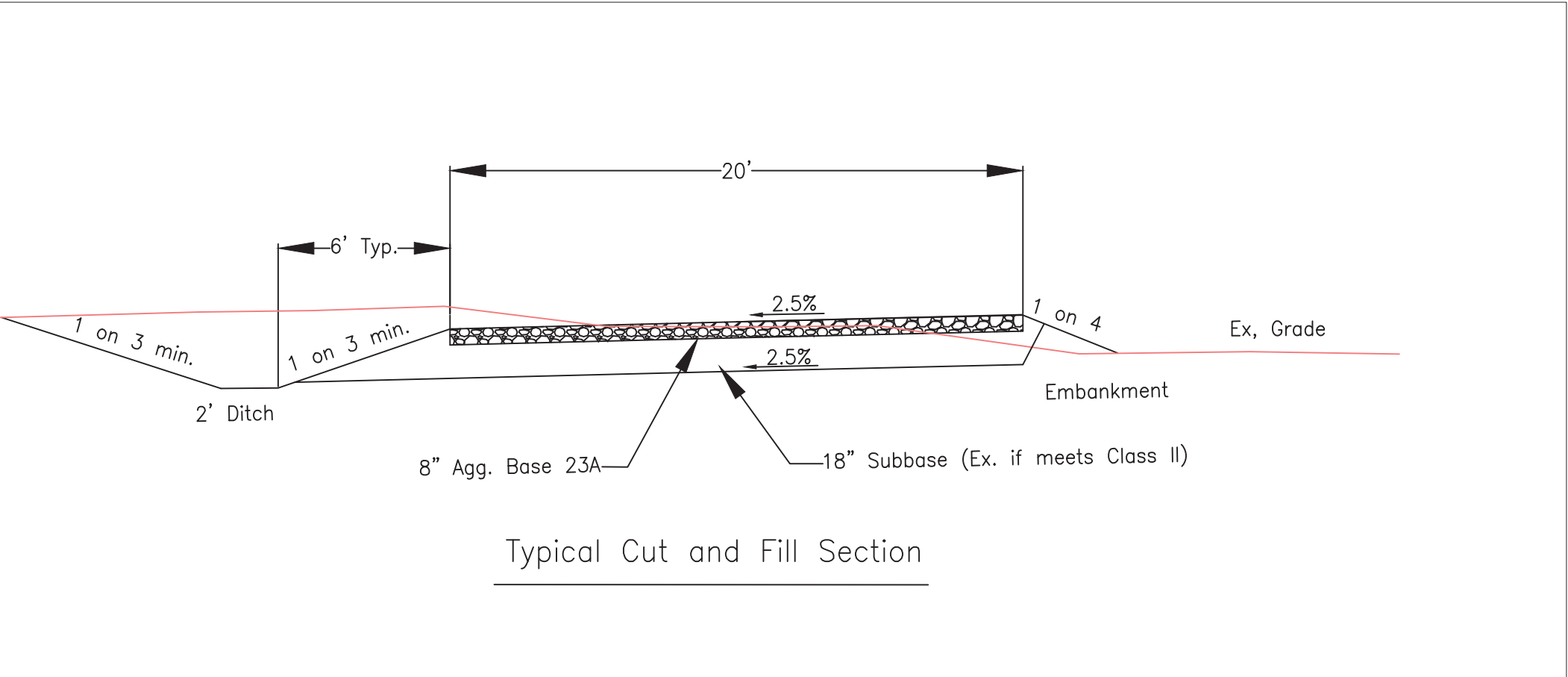




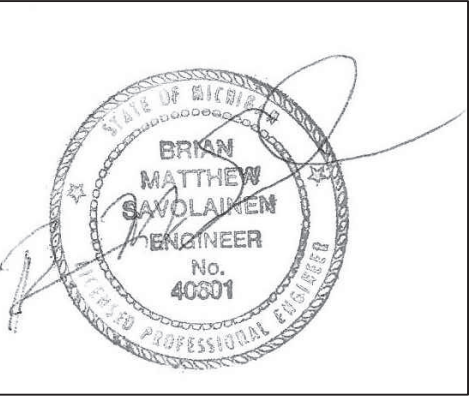
Lot, Coverage, and Building Height Standards
Min. Lot Area (sq. ft.) 8,100
Min. Lot Width (ft.) 60
Max. Impervious Surface Coverage (%) (S)
Max. Building Height of Primary Building (ft.) (Q) 31.5
Max. Building Height of Accessory Building (L)
Max. Building Height (stories) -

Minimum Setbacks
Front Yard (ft.) 20 (B)
Side Yard (one) (ft.) 10 (L)
Side Yard (total of 2) (ft.) 20 (L)
Rear Yard (ft.) 30 (L)

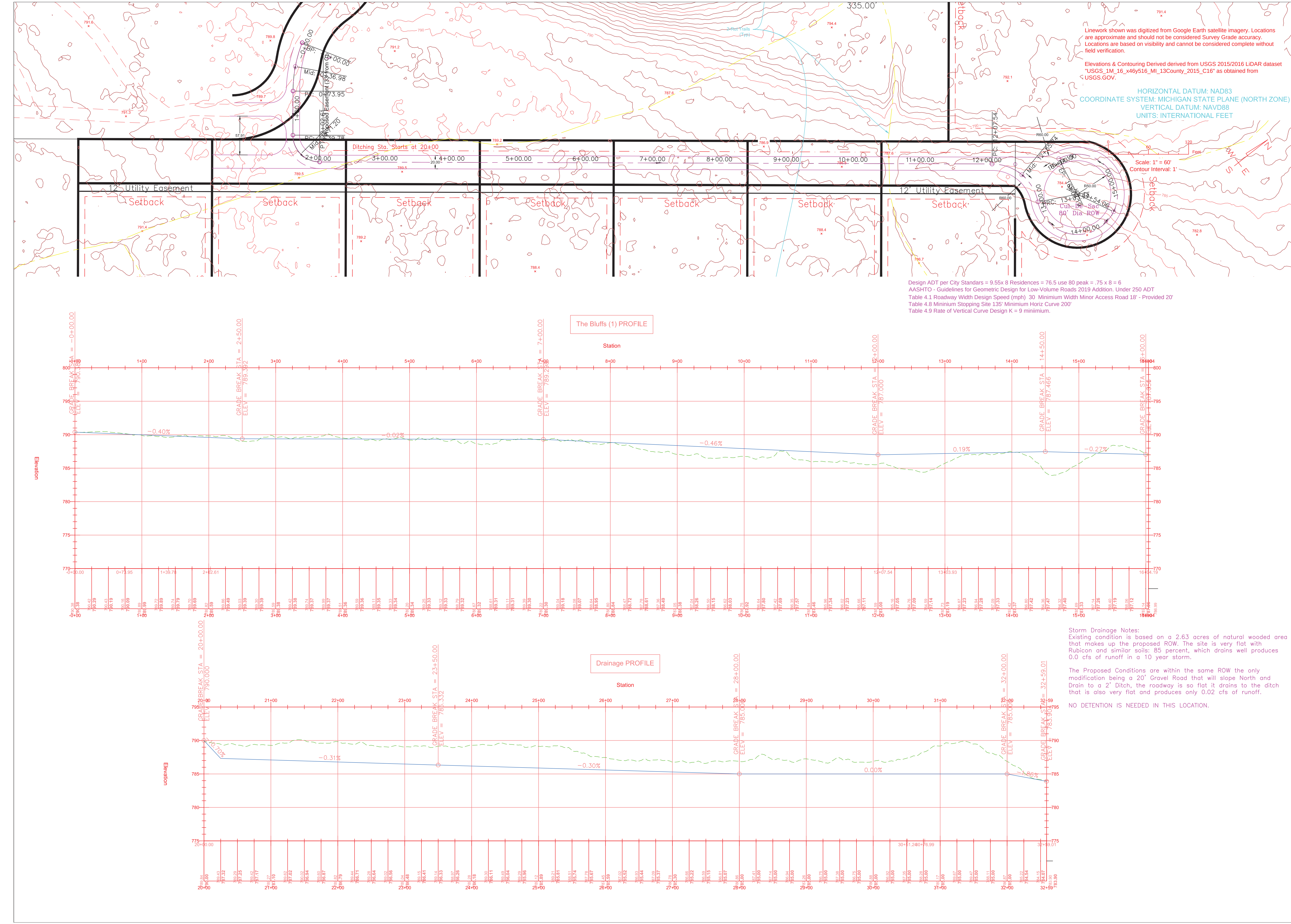
- Notes:
1. City has no private roadway standards. Roadway was designed using AASHTO Low volume roads Manual.
 2. Emergency Vehicles will be provided by Marquette Township and requires Fire Department Approval.
 3. Storm water for roadway is handled in Ditch to the North.
 4. Property owners will be required to obtain Soil erosion and Sediment Control permits prior to construction.
 5. Contractor shall be required to obtain Soil Erosion and Sediment Control permit prior to constructing roadway.
 6. Easement will be required from current Condo Association prior to construction.
 7. Any home owner working near the ridge line will need to contact the City Engineer to verify any special requirements.
 8. The Road Construction is not effected by Section 54.806.



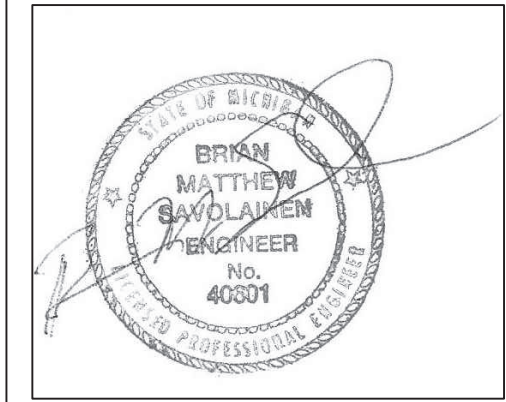
”THE BLUFFS”
NEW PRIVATE DRIVEWAY – EXTENTION FROM FORRESTVILLE ROAD
OWNER – CEDAR POINTE FAMILY TRUST, LLC



Brian M. Savolainen, PE
Civil Design Consultant
3224 US-41W #240
Marquette, MI 49855
bsavo2000@yahoo.com
(906)250-5729



"THE BLUFFS"



Brian M. Savolainen, PE
Civil Design Consultant
3224 US-41W #240
Marquette, MI 49855
bsavo2000@yahoo.com
(906)250-5729

Sht. C1

NEW PRIVATE DRIVEWAY – EXTENTION FROM FORESTVILLE BASIN TRAIL
OWNER – CEDAR POINTE FAMILY TRUST, LLC

2023R-00688
AIDAN K MCKINDLES
REGISTER OF DEEDS
MARQUETTE COUNTY, MI
RECEIVED ON
02/01/2023 09:00 AM
RECORDED ON
02/01/2023 09:10 AM
PAGES: 6

CONDITIONAL REZONING AGREEMENT

This Conditional Rezoning Agreement ("Agreement") is entered into regarding property located in the City of Marquette, Marquette County, Michigan and described on Exhibit A (the "Property") by and between Bruce Pesola, Trustee of the Cedar Pointe Family Trust (the "Owner") and the City of Marquette ("City"), the municipality with zoning authority over the Property (collectively, the Owner and City are referred to herein as the "Parties"). The City Commission approved the conditional rezoning of the Property from "Conservation & Recreation" to "Low Density Residential with Conditions" at its June 27, 2022 meeting.

The Parties hereby agree and understand:

1. The Property is hereby rezoned "Low Density Residential with Conditions", the conditions of which are set forth on the Conditional Rezoning Plan attached hereto as Exhibit B.
2. The rezoning with conditions was proposed by the Owner to induce the City to grant the rezoning, and that the City relied upon such proposal and would not have granted the rezoning but for the terms spelled out in this Agreement; and, further, the Parties agree and acknowledge that the conditions and Agreement are authorized by all applicable state and federal law and constitution, and that the Agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the City.
3. The Property shall not be developed or used in a manner inconsistent with this Agreement.
4. This Agreement shall be binding upon and inure to the benefit of the Owner, City, and their respective heirs, successors, assigns, and transferees. This Agreement shall be appurtenant to the Property and run with the land.
5. Unless bona fide development of the Property pursuant to approved building and other permits required by the City has commenced, this Agreement becomes void on Jan. 27, 2025 pursuant to Section 54.1405(H)(3) of the City of Marquette Land Development Code, unless extended in accordance with such Code, in which case a new conditional rezoning

agreement with the new expiration date shall be recorded. If this Agreement becomes void in the manner provided in Section 54.1405(H)(3), no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established.

6. Each of the requirements and conditions in this Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.
7. The development regulations affected by the conditions of rezoning set forth herein are the Intent, Permitted Principal Uses, and Special Land Uses. Unless modified herein, all terms and conditions in the City of Marquette Land Development Code that apply to Low Density Residential districts apply to the Property, including (without limitation) setbacks and lot, coverage, and building height standards.
8. The City's approval of the Property's rezoning is conditioned on the Owner abiding by the terms and conditions of this Agreement. The City may revoke its rezoning approval, returning the Property to its zoning designation as Conservation & Recreation, if the Owner violates the terms of this Agreement.

IT IS HEREBY AGREED:

OWNER

Cedar Pointe Family Trust



By: Bruce Pesola, Trustee

STATE OF FLORIDA

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COUNTY OF Marion

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On this 20th day of January, 2023 before me a Notary Public, in and for said County, personally appeared Bruce Pesola, Trustee of the Cedar Pointe Family Trust, to me known to be the same person described in and who executed the foregoing instrument, and who acknowledged the same to be the Trust's free act and deed.



Kerin Rivera
Notary Public
State of Florida

My Commission Expires 1/29/2025
Commission No. HH 61498

Kerin Rivera
_____, Notary Public
Marion County, Florida
My Commission Expires: 01/29/25
Acting in Marion County

By: Cody O. Mayer

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Wendy L. Larson
_____, Notary Public

, Notary Public

Karen M. Loach

Suzanne C Larsen

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EXHIBIT A

Legal Description

That part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4) of Section 8, and that part of the Northwest Quarter (NW1/4) of Southwest Quarter (SW1/4) of Section 9, Town 48 North, Range 25 West, City of Marquette, Marquette County, Michigan described as BEGINNING at the $\frac{1}{4}$ corner common to said Sections 8 and 9; thence S89°56'00"E, 1314.85' along East-West $\frac{1}{4}$ line of said Section 9 to a 1/16 corner; thence S49°09'13"W, 1146.45'; thence N89°49'45"W, 1749.91'; thence N00°10'15"E, 415.00'; thence N89°49'45"E, 1300.00' to a line common to said Sections 8 and 9; thence N00°10'59"E, 335' to the POINT OF BEGINNING.

EXHIBIT B

Conditional Rezoning Plan

- A. Intent. The Low Density Residential with Conditions district approved for the Property is intended to establish and preserve quiet, attractive neighborhoods of detached single-family dwellings with a low density and compatible residential land uses. It is also intended that developments in this district will be designed to preserve significant natural features, including woodlands, steep slopes, wetlands, and floodplains.
- B. Permitted Principal Uses
- a. Dwelling, Single-Family Detached
 - b. Accessory Use, Single-Family Residential Lots
 - c. Accessory Building or Structure
 - d. Adult Foster Care, Family Home
 - e. Child or Day Care, Family Home
 - f. Foster Family Home
 - g. Home Office
 - h. Home Occupation
 - i. Food Production, Minor
- C. Special Land Uses
- a. Adult Foster Care, Small Group Home
 - b. Dwelling, Accessory Unit

01-CSD-0623-The Bluffs Site Condominiums (PIN: 0510156)

Blue Heron Bluffs <[REDACTED]>

Tue 6/13/2023 3:52 PM

To:Andrea Landers <alanders@marquettemi.gov>

I am writing on behalf of Blue Heron Bluffs Condo Association. Our association voted in support of Cedar Pointe Family Trust and Bruce Pesola for their Bluffs Site Condominiums to the south of our property. We have an agreement for easement off of our road to access their road. We believe this development will enhance our community.

Regards,

John Fegan

President of Blue Heron Bluffs Condo Assoc.

01-CSD-06-23 - The Bluffs Site Condominiums (PIN:0510156)

Donna <[REDACTED]>

Tue 6/13/2023 4:31 PM

To:Andrea Landers <alanders@marquettemi.gov>

Donna and John Fegan
585 Forestville Basin Trail
Marquette, MI 49855

We support and recommend the proposed Bluffs Condominium development for approval. It will be a true blessing to the city of Marquette and our community.

Thanks for moving this forward.

Regards,

Donna and John Fegan

**OFFICIAL PROCEEDINGS OF THE
MARQUETTE CITY PLANNING COMMISSION
June 20, 2023**

A regular meeting of the Marquette City Planning Commission was duly called and held at 6:00 p.m. on Tuesday, June 20, 2023, in the Commission Chambers at City Hall.

ROLL CALL

Planning Commission (PC) members present: W. Premeau, M. Rayner, S. Lawry, Vice-Chair N. Williams, K. Clegg.

PC members absent: D. Fetter, A. Andres, C. Gottlieb, Chair S. Mittlefehldt (all excused)

Staff present: Zoning Official A. Landers, City Planner & Zoning Administrator D. Stensaas

AGENDA

It was moved by K. Clegg, seconded by M. Rayner, and carried 8-0 to approve the agenda as presented.

MINUTES

The minutes of 05-16-23 and 06-06-23 were approved with corrections annotated in the meeting.

CONFLICT of INTEREST

No conflicts of interest were confirmed.

PUBLIC HEARINGS

**A. 09-SPR-06-23 & 01-CSD-06-23 (PIN: 0510156) – Forestville Basin Trail: The Bluffs Site
Condominiums request**

Zoning Official A. Landers stated: The Planning Commission is being asked to review an application for a Site Condominium proposal and provide a recommendation to the City Commission. She showed the application materials and site plans submitted by the applicant, as well as the Staff File Report and attachments, on the monitors in the room and explained each of the many items in that packet of materials that was included in the agenda packet.

Mr. Brain Savolainen, the representative for the applicant, stated:

I'm the civil engineer who prepared the roadway, the plans as part of the condominium. The road, right now, is an extension through a private road that goes through Marquette Township and then ends near the boundary of - Bruce Pesola is actually the owner of the project and the city had made some applications to the zoning. I think you guys have actually seen this once before. This is based on some of the new rules and regulations that were there. We met with city staff and went through several of the items. You don't technically have a roadway standard for this type of road. What we used was an AASHTO low-volume road where you're not seeing more than 100 vehicles a day, where it's basically like a dead-end situation like this. Though you don't have that in your ordinance, you do reference the AASHTO low-volume manual as an acceptable [guide] so that's why we chose that. The existing width of the roadway as it stands now is 20 ft. of gravel and we just maintain that through- we put a turning radius on it to handle ambulance, fire trucks, things like that, and we actually- the situation here is any fire or emergency thing, first responders actually work at the Township, so that's why you see correspondence from them in the packet. We also went through them, provided them with plans to review it. If this step is approved, then final condominium documents will be prepared, and Michael Mileski is a surveyor that will

be preparing those. He is also here for any questions should you have them, and I will be available for any other questions.

N. Williams opened the public hearing and closed it after nobody came forward to comment.

It was moved by S. Lawry, seconded by K. Clegg, and carried 5-0 to suspend the rules for discussion.

S. Lawry said that he had a question for staff, and asked how close is this property to the Longyear property that is in the 425-Agreement area – and are there other utilities in that area?

Mr. Savolainen stated:

The Longyear [property] actually is prior to the bridge crossing Forestville Road. This is past that location. We'll have no utilities and it'll all be well and septic. I believe there is power through the existing corridor, so that will basically be it for that. In terms of pickup, it's like a standard home pickup. I don't know which garbage contractor they have set up there, but there is an existing condominium just before our condominium and we have also been with them, and we made some minor modifications for the intersection of the road and how everything ties in, and that also went through the Township. So in regards to utilities, there really nothing more than power.

S. Lawry asked:

As far as the services then, there's a couple of homes out there that are actually existing homes within the city limits, correct?

Mr. Savolainen said yes, I believe there are a couple in the existing condominium.

A. Landers stated:

Let me clarify. The homes aren't in the city limits but part of the parcels are.

S. Lawry stated:

So that would explain why there hasn't been a demand for city services of any kind there, then.

A. Landers said yes, right.

S. Lawry stated:

Because I think this is going to present some issues, whether it be garbage collection or school transportation or road maintenance. Now it's private, but as far as that goes - I'm wondering why the fire protection, why Marquette Township would be the first responder. I believe on all structure fires right now, Chocolay Township, Marquette township and the city of Marquette are all responding.

Mr. Savolainen stated:

I guess they're not positive on who necessarily will be, but we're told also to contact the Township because of them currently handling that area, so I think it was a matter of both fire departments being onboard and your staff did also report [inaudible 00:13:27].

D. Stensaas said:

I think it's a mutual aid agreement.

S. Lawry stated:

I think it's been changed to require all three responses on a structure fire. It's automatic instead of requested mutually, and Marquette City has no tankers and obviously they need the tankers, which was a question - I didn't drive out there, it's probably been a year and a half, two years since I was out there, but at that time much of that Forestville Basin Trail was not wide enough for two tankers to pass.

Mr. Savolainen stated:

It's tight, it's 20 feet. The last time I drove out, there's a spot where there's a suction tube somewhere halfway down that road. I don't who officially put that in, but all we can do is make it what we can and continue it. We don't have any ability to change how the existing roadway is coming to that and so we tried to make it as clear as we did. Elevations where we are extremely flat, and that's the thing, too - we are very high above the Dead River in terms of being able to utilize the river on this site. For a place to do that, it really is not feasible [due to] the steep banks.

S. Lawry stated:

Yes, like 70 to 90 feet above the river, which leads to another question - if the lake elevation is lowered, or the reservoir is lowered for dam maintenance, do these people have water?

Mr. Savolainen stated:

All the water is well and septic, so that's going to be part of their own individual part of doing this, we're in process right now of doing the required evaluation of the site for septic and for well. We'll be digging test holes here soon and the soils are really good. It should pass without a problem, but if there's a water issue that will come up as part of the condominium requirements.

S. Lawry stated:

The water table could be at one level when the reservoir is full and quite a bit lower and they have to draw that down for some reason. And then also I was concerned with access - is there another way out of here if the bridge is not available - by going through the back to the Noquemanon Trails?

Mr. Savolainen stated:

It's actually a county road that comes off Forestville and heads into the old pit property. It is a designated county road and it's all been winding through there. I designed that years ago, and NTN has property back there, and Smith [Paving]. It's designated and ends up coming out just south of the Sugar Loaf, Partridge Trail area on CR 550.

S. Lawry stated I think it also may connect to the old Ash Haul Road.

Mr. Savolainen stated:

Yes, it does, but the Ash Haul Road - I don't know if that is designated "County" yet.

S. Lawry said the county has acquired it, but I don't know if they've opened it to traffic.

Mr. Savolainen stated:

Even if that hasn't happened yet you can still keep going north, and that's why I brought up through NTN's property and Smith and Lindberg, but it does technically have two accesses that way, and actually a third, if you want to go all the way into Negaunee township. It's not a fun road but I've taken it.

S. Lawry stated:

We hear horror stories from all over the country about people building at the wildland interface and this is I guess as much of a wildland interface as Marquette's got. And how municipalities haven't done their due diligence by letting people build out there. I guess one other point - I didn't see anything in the Public Works review comments about how they would provide typical city services to that area, because I believe the policy is still where residences are built on a private road, they have to bring their trash and everything out to the nearest public road. Public vehicles doing garbage collection I believe do not use private roads and so I think our standards call for a maximum link to a private road to be a quarter mile. I realize that doesn't apply here simply because you can't get there from a city public road. It poses some unique service delivery problems.

A. Landers stated:

My guess is if they didn't put that in there, he might have missed that. I don't think they qualify for it, so they would have to get their own trash removed.

M. Rayner stated:

That's what they do now on Forestville Basin Road I believe, they have to go get their mail up at the other end where it goes to a county road. You have to take that trash the same. And they hire out their plowing for that road.

Mr. Savolainen said all the mailboxes are all up at the end.

M. Rayner said that no services go down that road.

Mr. Savolainen stated:

That would be the same thing in this case that the mail would actually be in the township where it meets the road there.

S. Lawry stated:

I think that's the case with school bus routes as well. Having served on the Board of Review, people who buy these lots don't really understand that and why they're paying taxes if they can't get the same services. But it does come up regularly.

N. Williams stated:

The next step would be making the motions. My comment would be that I believe is the same case that came before the Board of Zoning Appeals, is that accurate, Andrea?

A. Landers said it is the same property.

N. Williams stated:

The same property and from that I remember of that case, what the Board of Zoning Appeals decided was basically that this needed to be a condominium in order for it to be viable and so I believe that's how the applicant came up with this arrangement.

S. Lawry said that he would be willing to make a motion.

It was moved by S. Lawry, seconded by K. Clegg, and carried 5-0 that after review of the site plan and the supplemental documentation dated 05-23-23, and the Staff Report for 09-SPR-06-23 & 01-CSD-06-23, the Planning Commission finds substantial compliance with the City of Marquette Land Development Code Section 54.1405 and Section 54.503 and hereby recommends that the City Commission approve 09-SPR-06-23 & 01-CSD-06-23 with the following conditions:

*1) the submittal of an amended plan is submitted to meet staff original and additional comments.
2) that the Master Deed include language to the effect that limited City services are available to residents of these lots, and language to indicate that the provision of City infrastructure would be at the cost of abutting landowners and not at the general obligation of the City or its utility funds.*

B. 02-SUP-06-23 (PIN: 0181350) – 420 N. Third Street: Marihuana Retailer request

A. Landers stated:

Staff has reviewed the special land use permit for a marihuana retailer located at 420 N. Third Street. She showed on the monitors in the room the application materials and site plans submitted by the applicant, the Staff File Report/Analysis, area and block maps, photos of the site, staff comments and responses and additional staff comments, and the site plan set. She also said that she did not receive any correspondence with this.

Mr. Erik Moin, the applicant, stated:

My name is Erik Moin. I live down state. Both my children live in Marquette. My plans here are for a multi-use building. It is not strictly a marihuana retail facility. The intention would be to have the ground floor be a marihuana retail, second floor office space supporting that regional operation in compliance with the Marihuana Regulatory Agency. There's also an apartment on the second floor and then the third floor has three studio apartments so those are what our intentions are for the facility and that's the scope of what our plans are.

Mr. Brain Bloch, of 908 N. Third Street, stated:

I'm very interested in the growth and development of 3rd Street. I've been watching it for 20 years. I bought my building there knowing that development in this city was going to be heading this way. I participated in the neighborhood charrette and the development or the transition of "The Village" into the 3rd Street corridor. I've been involved in real estate development since 1993 and I think this building is going to really look great where it's going, with Blackrocks, with the bagel shop and in short having watched many cities develop, this is the first property being developed to the highest and best use under the new corridor zoning plan that's been developed over the years and in my experience in the real estate development business it's like dominoes. Once somebody says hey, I'm just going to go for it. Instead of polishing a turd we tore it down and we're building something nice, and I think that's going to encourage other people to realize that the investment in 3rd Street is a good one and a lot of the redevelopment that will be happening on 3rd Street will be accelerated by people seeing this building coming into that standard.

N. Williams opened the public hearing and closed it after nobody came forward to comment.

It was moved by M. Rayner, seconded by S. Lawry, and carried 5-0 to suspend the rules for discussion.

K. Clegg stated:

I have some questions for the applicant. In the application they said no marihuana consumption on site, but since you're having apartments on site and you can't really guarantee that, I'm not sure with, is it LARA? If it's part of your licensure to ensure that that is required, if that means that apartments on site are contraindicated in your licensing, can you speak to that?

Mr. Bloch stated:

LARA's regulations would be specific to the four corners of the space that is licensed for marihuana. The upstairs apartments, not licensed. As the developers and owners of the property, we don't want people smoking in our units, regardless of what it would be. They're small apartments. Picture a strip mall. If you've got a strip mall and you've got a florist, a birdseed place and a coffee place, they're distinct and separate. If the florist is actually running a bookie operation out of it, the guy next door has nothing to do with it. So, as to your question, there will be no marihuana consumption in the store, in the offices, in the parking lot, and we will be enforcing that because that's the rules and this building is a very expensive investment on our part and we're certainly not going to screw up a good thing for some little thing like that. As a long-time attorney, I've done a lot of landlord-tenant work and I know how to write a lease and these apartments are going to be premium. If you look at those porches overlooking - they'll be facing Blackrocks from that height, amazing views. We don't intend to - I'm guessing they'll be pretty high end apartments and it just happens that when you rent to a higher socioeconomic class, you have a lot less problems as a landlord.

K. Clegg stated:

Can you comment on the parking spaces that are available? There are four units and they're one bedroom, correct?

Mr. Moin stated:

Four studios. The second floor is slightly larger than the third floor units.

K. Clegg asked:

If there's 9 parking spaces, how many are required per housing unit? Is it 1 or 2, or 1.5, according to our updated code?

A. Landers stated:

I'll check my notes, but I know it meets parking, but if you want specifics I'll have to look in my notes.

K. Clegg stated:

That's fine, I'll take your word for it if it meets all the parking requirements.

W. Premeau stated:

I have a question for Andrea. All that stuff was based on employees, right? You based it on a number of employees? It didn't say anything about the units.

A. Landers stated:

It meets the parking requirements. So, 3rd Street has its own parking requirements but I can go into the code if you want to see it.

D. Stensaas said that Commissioner Premeau is talking about parsing out the different uses. If the parking was allocated based on parsing out the retail and office, residential, etc.

A. Landers stated:

Third Street doesn't require it for certain uses and I can pull that up, like retail offices at a minimum. But it's the residential that they have to have parking for.

D. Stensaas said stated that's right, I think assembly uses and residential are the only required parking uses.

A. Landers said yes, due to the DDA parking study.

N. Williams asked Mr. Premeau if he had any other comments.

W. Premeau stated:

I just would say the plan itself, you should probably have someone review that closely. Many things in the plan that do not meet the code. I assume you're going to bring it up to the Michigan commercial building code. Lots of changes have to be made.

Mr. Moin stated:

We're aware of the number of them. We communicate with the architects on a regular basis and like everything else nothing goes as smoothly as we'd like it to, but we persevere.

Mr. Moin said we are also committed to adhering to the Land Development Code.

S. Lawry stated:

About 4 or 5 times in our standards that we're supposed to be comparing it against, it says it needs to comply with city ordinances, state and federal laws, and how can it comply with federal laws if it's selling marihuana?

D. Stensaas said that is with the state, the state has its own allowances under the federal law to do what it's doing.

Mr. Lawry stated:

What we're doing has some validity because if we're approving something that doesn't comply anyway, do we really give a permit?

D. Stensaas said we have the state's blessing to do this. If somebody's got a problem with the federal-state interaction, that's where they need to take the case to.

Mr. Lawry stated:

Having served on federal grand jury, I know they don't necessarily care what the state says.

N. Williams stated:

The Planning Commission will review the Special Land Use Standards one at a time to evaluate the proposal. The Planning Commission found that the proposal conforms with all 14 of the standards, as follows, with some of the relevant discussion:

1) Intent of the Zoning District (T5 subdistrict)

2) Use of Adjacent Lands

3) Physical Appearance of Structures

4) Landscaping

S. Lawry said that regarding the discussion about fitting new trees into the site in the staff and applicant's comments, are all those trees that currently are on the property line, are those over on the residential lot or are those on the Blackrocks lot? The existing tree structure that's there doesn't look like it will allow new planted trees to develop, I guess that is what I'm getting at. Are we requiring something that isn't necessary?

A. Landers stated:

We're requiring it on their property. I don't believe those trees are on their property, because they're not showing them being on their property.

D. Stensaas said that the LDC allows for existing trees to count toward landscaping and screening requirements if they meet the standards, and we want that and don't want to have people tearing trees up if they meet code requirements. So, they probably wouldn't have met the requirements.

S. Lawry said that part of the discussion was the you can't permit them to allow the canopy from their required trees to extend over the line, but if the existing tree canopy is already extending over their property, I wouldn't want to see us require them to cut all those branches off just so they can plant trees to meet our standard either, and they do have the right to cut them off if they are extending over onto their property.

A. Landers said that there are differing views among lawyers on that issue, but we advise people that trees are a civil issue.

5) Operations of Use

K. Clegg said that it should be noted that of the three businesses that would be there in line, this one would close the earliest by a wide margin.

S. Lawry said that a previous owner of the property, who had apartments there, was before this body several times trying to have us consider the effects of Blackrocks on those residential apartments. So, the effect could be the opposite of what we're discussing now, as the apartments may suffer some negative effects of the outdoor activities at Blackrocks.

K. Clegg said that any potential leaseholders of that property will know exactly what they're getting into.

N. Williams said that at least they're coming after Blackrocks existence .

6) Time of Use, Physical and Economic Relationship

K. Clegg said that we kind of covered that in the last one.

N. Williams stated there is residential nearby, not behind this space but the hours are to close earlier than other businesses nearby.

7) Number of Persons or Employees

M. Rayner asked:

For delivery of products, is it going to be handled through the front of this dwelling then?

Mr. Moin said there is a back door, in the southeast corner.

M. Rayner stated:

With your parking – will it still work?

Mr. Moin stated:

It will. There's a walkway out to the farthest few spots. So, delivery is typically available from retailer and lab stores. If you look at the footprint of the building, there is a door on the southeast corner...and there's a walkway out. There's also significant screening. That's your corner where the trees are that Commissioner Lawry was addressing. That corner on the residential lot is heavily wooded right now. And there's some new trees going in per the requirements.

A. Landers stated:

And then here's the unloading zone [shown on-screen], and he's saying that they would walk here and go into this door here.

Mr. Bloch stated:

And marihuana delivery doesn't come in a semi-like food truck, there are vans.

8) Vehicular and Pedestrian Circulation

N. Williams stated:

I think we all know traffic on 3rd Street can be bad at times but it does not seem like this use will significantly impact that.

D. Stensaas stated:

I do have a question, if you will allow it. On the site plan - the curb cut. Initially the applicant asked us for an administrative waiver. The curb cut and the curb return, that's not where it is now, right? Where it is now is a little farther to the north. And because there's a driveway basically right up against Blackrocks, on the south side of Blackrocks, I don't know why the site plan wasn't changed to reflect the fact that the applicant asked staff if we would allow that curb cut to remain where it is, because after talking to the City Engineer, we said yes. But this curb cut [shown in the site plans] is not where it is now. One way or another that needs to be noted here that if this gets approved, because this is going to be the approved site plan that you're showing us. This hasn't been changed, so that's an amendment to the site plan that would need to be requested and made.

Mr. Moin stated:

That was an oversight by the civil engineering team. If you look at the curb cut now, so this curb side here actually initiates on the southwest corner of the Blackrocks building, so this whole thing is already right here. This is an oversight from civil, and so we fully intend to not build this and we'll amend the drawings with plans, but this is a driveway. The current driveway is asphalt right now and goes out at about right here. It's very interesting, there's a seam down this asphalt area right now that basically represents the property line, so thank you David for pointing this out and this has been the subject of discussion. Currently, this whole piece is already in place for the existing driveway. So, there would be a new curb cut, of course this is a new parking lot. But this is incorrect, and the site plan will be amended, because we would just incorporate the existing curb cut and then only make the new one in the driveway.

N. Williams stated:

So, based on your question, would the entire thing just be shifted north or would it be extra wide, or is that permitted?

D. Stensaas stated:

I think what we've agreed on here is the existing curb cut will remain.

Mr. Moin stated

Yes, the north curb cut will remain.

M. Stensaas stated:

I brought this up because we need to address this at this meeting. That north curb cut here is not going to be made. It's going to exist as it is after this and that meets the city standard for the maximum width of a curb cut in this area. And it wouldn't serve any purpose to narrow that curb cut. It would actually be detrimental to everybody, especially to Blackrocks because that side of the building where you see that polygon with the door opening is - there's no polygon there, there's just a door.

A. Landers said it's a landing with steps.

M. Stensaas said that is an entrance to their side of their community room and stage area.

S. Lawry stated:

Talking about the driveway too, I mean this drawing depicts it still as an MDOT type-M opening in the comments, and even engineering indicated they have to change that to meet the city standard. It doesn't really interrupt the sidewalk with more ramps and curb returns, so in addition to moving it or showing two, they have to be shown as a different style.

M. Moin stated:

I believe we addressed that in our comments.

A. Landers stated:

Yes, he's just pointing it out to say that there were more comments about this. That's my understanding.

9) Physical Characteristics of the Site

S. Lawry stated:

The engineering comments made several suggestions about your runoff drainage and one of them was to consider tying into the storm sewer system because everything's falling toward the private residential lot at this point. I know your comments indicated you were trying to just slow and divert flows. But they were suggesting, I think detention and possible connection to the storm sewer, and if you are going to move your snow storage back there, as your comments indicated, I guess I'm wondering have you reviewed their comments and determined any change from what you originally proposed?

Mr. Moin stated:

We are accepting the civil engineer's comments on the drainage and the reduction in the flow speed. We didn't know those comments and particularly with the snow storage area, and so her response was to create it with a baffling - I don't think that's the exact word. But, there is a flow intended to go to the southeast corner as it is now, and as it was, so our intention is to get those adapt those baffling techniques to slow the flow and prevent erosion.

S. Lawry said okay, but it gets harder to connect to the sewer after the pavement is done.

10) Public Services

11) Environmental Factors

D. Stensaas stated:

The biggest issue might be odor, but I think our code has a pretty robust requirement for fans and filtration to prevent the marihuana smell from becoming an issue in the neighborhood.

Mr. Moin stated:

Carbon filter, negative air pressure and our air handling systems to adhere to that and of course the MRA is also very aware of those concerns in comments, and so we're very cognizant of that. Negative air pressure isn't particularly difficult to obtain. It's a very common practice. It started in healthcare.

M. Rayner stated:

Do you have another facility, so you're used to doing these?

Mr. Moin stated:

We're very familiar with the Marihuana Regulatory Agency within the Department of LARA. There's another facility about to open in Gaylord. There's open operations in full compliance with the MRA.

12) Site Area and Potential Expansion Areas

13) Additional Neighborhood Factors

14) Master Plan Conformance

N. Williams stated:

I would agree that this is generally met. Should we also go through the next section?

A. Landers stated:

Those being administrative standards, it depends on how we feel about that.

N. Williams stated:

Does anyone have any comments about 54.1402, which is the site plan review standards.

S. Lawry stated:

I guess I would just ask staff, since there's been a lot of back and forth on this and there appears to have been some difficulty I guess on getting a common understanding of regulations and what was required, are you at this point satisfied that all of your potential non-compliance issues have been met?

A. Landers stated:

I believe they understand what they need to submit to us now and I do believe they will get us an amended site plan to meet our comments and additional staff comments. I'd just ask for that to be a condition and then also per what dave had brought up, a condition about the curb cut, since that wasn't a comment, it should be a condition as well.

It was moved by K. Clegg, seconded by N. Williams, and carried 5-0 that after holding a public hearing and review of the site plan set dated May 22, 2023, with supplemental documentation and the Staff Report/Analysis for 02-SUP-06-23, the Planning Commission finds that the request meets the intent and requirements of the Land Development Code Sections 54.1403, 54.1402, and 54.629, and hereby approves 02-SUP-06-23 with the following conditions:

- 1. That an amended plan is submitted to meet all of staff comments, including the additional comments with special attention to the revision to the curb cut to show the existing layout for the north curb of the driveway opening as discussed today.*

COMMISSION AND STAFF COMMENTS

M. Rayner stated that the Master Plan public workshops held last week were very well done.

ADJOURNMENT

The meeting was adjourned by Vice-Chair N. Williams at 7:06 p.m.

David Stensaas

Prepared by: kw/iMedat

Edited by D. Stensaas, City Planner and Zoning Administrator, Planning Commission Staff Liaison